



W.P(MD)No.15016 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15016 of 2015
and
M.P.(MD)Nos.1, 2 and 3 of 2015

G.Gayathri

... Petitioner

Vs.

1.The District Registrar,
Palayamkottai,
Tirunelveli District.

2.The Sub Registrar,
Panagudi,
Radhapuram Taluk,
Tirunelveli District.

3.I.Babu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for records of the
impugned order of the 1st respondent dated 25.05.2015 and quash the
same.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R2.
Mr.A.Mohamed Yusuff for R3.

ORDER

Heard the learned counsel on either side.

2.The District Registrar, Tirunelveli has notified that the petitioner is a tout and she has been banned from entering the premises of the Registrar's office. The said notification is put to challenge in this writ petition.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.The second respondent has filed counter affidavit and the learned Additional Government Pleader took me through its contents. He



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submitted that complaints were received against the petitioner and that they were enquired by the second respondent and based on his report, the impugned publication was made by the first respondent. The stand of the respondents is that the statutory provisions set out in Registration Act, 1908 empowered the authority to pass the impugned order. According to him, no case for interference is made out and he pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. Part XIII-A of the Registration Act, 1908 was inserted by T.N.Act 38 of 1987. Section 80-B of the Act empowers the Registrar of District to publish list of touts. Before including a person's name in the said list, the person concerned should have an opportunity of showing cause against such inclusion. As per Section 80-D of the Act, a copy of the such list has to be conspicuously displayed in every registration office to which it relates. A tout can be excluded from the precincts of the registration office. Therefore, the power of the authority to include the petitioner's name in the list of tout cannot be questioned. If the first respondent has stopped there, it would have been a different



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matter. But the first respondent had gone to the extent of calling upon the members of the public not to approach the petitioner in connection with the transactions of the registrar's office. The learned counsel for the petitioner submitted that the petitioner is a typist and that she is eking out her livelihood by typing documents. It is her fundamental right guaranteed under Action 19(1)(g) of the Constitution of India. The petitioner is not having license to act as document writer. She also undertakes before this Court that she will not enter the office of Sub-Registrar, Panagudi unnecessarily or without purpose. However, she is entitled to do typing work and earn her livelihood. The impugned notice states that no one should approach the petitioner. To this extent, the impugned notification is without jurisdiction and it is set aside to that extent.

6.This writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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