



W.P(MD)No.18384 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18384 of 2015

and

M.P.(MD)Nos.1& 2 of 2015

V.Natarajan

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Registration & Commercial Tax Department,
Secretariat,
St.George Fort,
Chennai.

2.The Inspector General of Registration,
100, Santhom High Road,
Chennai-28.

3.The District Registrar (Registration),
Palani.

4.The Sub Registrar Office,
Ottanchathiram,
Dindigul District.

... 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 the records of the impugned proceedings of the 1st respondent in G.O.(T)No.172 dated 12.05.2015 and the impugned proceedings of the 2nd respondent dated 08.10.2014 in Na.Ka.No.61158/S1/2013 and quash the same.



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For Petitioner : Mr.S.Karthik

For Respondents : Mr.N.GA.Nataraj
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a licensed document writer. Raid was conducted on 20.11.2009 in the office of the fourth respondent. The petitioner was then found in the premises. A sum of Rs.6,570/- was found in the pocket of the writ petitioner. The petitioner admitted possessing the said amount. There upon, the petitioner's license was suspended vide order dated 26.11.2009. Thereafter, on 19.04.2010, show cause notice was issued calling upon the petitioner to explain as to why his license should not be permanently cancelled. The petitioner offered his explanation on 19.05.2010. It was not found acceptable. The IG of Registration vide order dated 18.08.2011 permanently cancelled the petitioner's license. Challenging the same, the petitioner filed an appeal before the Government. The Government vide G.O.D.No.107, dated 09.03.2012 set aside the order of IG of Registration and remanded the matter. After remand, IG of Registration took up the matter and passed an order dated 08.10.2014 confirming the order of cancellation. The appeal filed by the petitioner before



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the Government was rejected vide G.O.D.No.172, dated 12.05.2015.

Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing 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 grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned Government Advocate took me through its contents. The learned Government Advocate submitted that the case of the petitioner was examined by the original authority as well as by the Government and his explanation was found to be not acceptable. My attention was drawn to the vigilance report which indicated that the petitioner had acted as tout. My attention was also drawn to the relevant proceedings of the Tamil Nadu Document Writers' Licence Rules which stated that the licensed document writer should not act as tout or abet or any illegal activity in the office of the registering authority. Since the petitioner was found to have breached the license terms and conditions, it was rightly cancelled and the learned Government Advocate called upon this Court to sustain the impugned orders. He pressed for dismissal of the writ petition.



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5. I carefully considered the rival contentions and went through the materials on record.

6. The case on hand will have to be considered in the light of the provisions set out in the Tamil Nadu Document Writers' Licence Rules, 1982. The document writer's license is in "Form B". Certain conditions were annexed to the license. It is true that the conditions Nos.d & h are as follows:-

(d) He shall not abet or participate in any illegal transactions or dealing with the staff attached to the Registration Offices.

(h) He shall not act as tout.

7. In this case, there is absolutely no material to show that the petitioner had acted as tout. When the person is accused of having tout, it must be on behalf of someone and for some purpose. Here, the respondents have not been able to name for whom he acted as tout. Likewise, there is no material to show that the petitioner acted or participated in any illegal transaction or dealing with the staff attached to the registration office. A mere possession of a sum of Rs.6,570/- on his person cannot be said to be an act of misconduct or illegality. The petitioner is not a Government servant. He could have been dealt with only in terms of the Tamil Nadu Document Writers' Licence Rules. There is no



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material to attract Clause (d) and (h) of the license conditions. The orders impugned in the writ petition will have to be necessarily set aside. They are accordingly set aside.

8. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2023

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

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