



W.P.(MD) No.13158 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.13158 2022

and

W.M.P.(MD)Nos.9350 & 9351 of 2022

Kanagasabai

...Petitioner

-VS-

1.The Secretary to Government,
State of Tamil Nadu,
Commercial Taxes and Registration Department,
Fort St.George,
Chennai-600 009.

2.The Inspector General of Registration,
Raja Annamalaipuram,
Chennai-600 028.

3.The District Registrar (Admin),
O/o.The District Registrar,
Trichy District.

4.The Sub Registrar,
O/o.the Sub Registrar,
Musiri, Trichy District.

5.The Inspector of Police,
Vigilance and Anti Corruption,
Trichy.

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari to call for the records of the impugned order in Na.Ka.No.3006/A6/2022 dated 26.04.2022 on the file of the third respondent and quash the same.

For Petitioner	: Mr.R.Maheswari
For R1 to R4	: Mr.P.Subbaraj Special Government Pleader
For R5	: Mr.M.Vaikkam Karunanidhi Government Advocate (Crl.side)

ORDER

Challenging the order passed by the third respondent cancelling the Document Writer's license issued to the petitioner, this writ petition has been filed.

2.It is the case of the writ petitioner that the petitioner is the State License holder in License No.C21/TRY/1990 issued by the second respondent. On 30.09.2021, the Vigilance and Anti Corruption Department had conducted a surprise inspection in the Registration Office and since, the petitioner was found with an unaccounted amount of Rs.10,500/-, a case in Crime No.3 of 2021 has been registered under Sections 7 and 7(A) of the Prevention of Corruption Act, 1988 and 102

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of Criminal Procedure Code. In pursuant to the said proceedings, now the third respondent has cancelled the license granted in favour of the petitioner.

3.The challenge has been made only on the ground that the criminal case, which was the basis for the action taken against the petitioner, was dropped by the Investigating Officer. That apart, the license issued to the petitioner was the State License issued by the Inspector General of Registration and the same could be cancelled only by the second respondent and not the District Registrar.

4.The fourth respondent has filed counter affidavit stating that the third respondent had cancelled the license of the petitioner only based on the direction issued by the Inspector General of Registration in Letter No.2711/S1/2022 dated 07.02.2022. Hence, seeks to dismiss this writ petition.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.



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6.The fact that the petitioner is issued with the State License is not disputed. Similarly, the surprise inspection conducted by the Vigilance and Anticorruption in the office of the Sub Registrar on 30.09.2021 is also not disputed. The petitioner was found with an unaccounted cash of Rs.10,500/-. This was the only allegation made against the petitioner during the inspection made by the Vigilance and Anticorruption in the premises of the Registration Office, which led to registration of a criminal case and cancellation of the licence issued by the second respondent. Further, it is admitted by both sides that the FIR registered against the petitioner in this regard was also closed as 'further action dropped'.

7.However, now the impugned order of cancelling the license issued in favour of the petitioner was passed, only based on the criminal case registered against the petitioner, which was now dropped as no further action is required.

8.As already stated, the license issued in favour of the petitioner is the State license issued by the Inspector General of Registration. It is not



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disputed by the respondents. The Rules governing suspension or revocation of license under the Tamil Nadu Document Writers Licence Rules, 1982, is as follows:

“16.Suspension and Cancellation of the licence.

(1)The District Registrar shall have [the power to suspend the district licence or sub-district licence] of the document writer in his district for a period [not exceeding six months at a time for misconduct or unsatisfactory works.

[(2)The Inspector General of Registration shall have power to suspend for any length of time the state licence, district licence or sub-district licence of a document writer for misconduct or unsatisfactory work.]

(3)The Licensing Authority shall have the powers to revoke or cancel the [licence of a document writer issued by him] for misconduct or unsatisfactory work or for any disqualification prescribed in rule 5, or for breach of any of the conditions of the licences after giving him an opportunity a show cause against the action proposed to be taken against him. [The Inspector-general of Registration shall also have the power to revoke or cancel any licence of a document writer].”

9.The above Rule makes it very clear that as far as the District or Sub-District licence is concerned, the District Registrar has power to



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cancel or revoke the same. As per Sub Clause (3) of Section 16 of the Tamil Nadu Document Writer's License Rules, 1982, the cancellation or revocation of license shall be made only by the Licensing Authority. Therefore, the Inspector General of Registration, who is competent to issue the State License, is alone competent to take action with regard to the State License. The District Registrar has no power to cancel the license issued by the Inspector General of Registration.

10. Though, the third respondent had contended that the action has been taken against the petitioner only pursuant to the letter of the Inspector General of Registration in letter No.2711/S1/2022 dated 07.02.2022, perusal of the said letter shows that the Inspector General of Registration directed the Deputy Registrar only to take action by calling explanation under Section 16(3) of the Act. It is true that there is a direction to take action in the letter issued by the Inspector General of Registration. However, the fact remains that the Rule governing the Document Writers, does not provide for any delegation of power to the Registrar. In the absence of delegation of power under the Rules, mere a letter addressed by the Inspector General of Registration cannot be



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considered as delegation. In the absence of provisions governing delegation of power, delegating the power to the District Registrar by the Inspector General of Registration cannot be made in the eye of law.

11.In view of the above, the third respondent has invoked the power of the Inspector General of Registration against the very Rules in force. Hence, the said order cannot be sustained in the eye of law. Accordingly, the order of cancelling the licence issued to the petitioner vide proceedings dated 26.04.2022 in Na.Ka.No.3006/A6/2022 is set aside and this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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N.SATHISH KUMAR, J.

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