



W.P.(MD)No.20424 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20424 of 2022

J.Marialalitha

... Petitioner

Vs

1. The Inspector General of Registration,
O/o. the Inspector General of Registration,
Santhome High Road,
Chennai.

2. The Deputy Inspector General of Registration,
Tirunelveli,
Tirunelveli District.

3. The District Registrar,
Palayamkottai, Tirunelveli District..

4. The Sub Registrar,
Sattankulam, Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for the records relating to the Impugned Order passed by the 1st Respondent in his proceeding No. 25099/S. 1/2021, dated 19.05.2022 and to quash the same as illegal.



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For Petitioner : Mr. T.Indrachithu
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned Order passed by the 1st Respondent in his proceeding No. 25099/S.1/2021, dated 19.05.2022 as illegal.

2.Heard Mr.T.Indrachithu, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the respondents.

3. The petitioner was originally granted with Stamp Vending License on 16.04.2003. Thereafter, based on a complaint given by one Jegam Anthony Dennison, dated 16.01.2018, notice has been issued to the petitioner to show cause. It is alleged that the stamp paper sold by the petitioner has been misused by one Joseph Dhanasingh. As per records, the name of person, who has purchased the stamp paper, was shown as Gnanamuthu. Based on the nature of complaint, enquiry has been conducted by the District Registrar/3rd respondent and he found that there is a violation of Rule 37(8) of Indian Stamp Rules, 1925. On revision, the order of the District Registrar has been confirmed.



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4.A counter affidavit has been filed by the respondents. It is the contention of the learned Special Government Pleader appearing for the respondents that based on the complaint given by one Jegam Anthony Dennison on 16.01.2018, enquiry has been conducted and on enquiry, it was found that there was a criminal conspiracy between the petitioner and his brother-in-law Joseph Dhanasingh in creating bogus sale agreement in respect of property, for which, the petitioner has issued stamp papers. In this regard, summons has been issued to the petitioner to appear before the 3rd respondent. On obtaining his explanation, enquiry has been conducted by the 3rd respondent and found that in order to commit conspiracy, wrong entry has been made by the petitioner in the Register. Hence, prays to dismiss the petition.

5.The learned counsel for the petitioner would submit that there was no finding to show that the petitioner has conspired with the third party. Though she sold the stamp paper, she has omitted to make an entry, which resulted in the wrong entry later. It is the only allegation proved against her. For that the authorities had cancelled the entire license. Hence, prays to allow the petition.



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6.The learned Special Government Pleader would submit that as per Rule 24 of Stamp Rules, 1925 the vendor selling stamp with his own hand writing make entry, however it is not done. Though the allegation raised as if the petitioner has conspired with the third party in selling the stamp, no evidence has been put forth by the respondents against the petitioner for the alleged conspiracy. The only allegation proved against the petitioner that no entry has been made then and there. It has been made in the name of Gananmuthu instead of Joseph Dhanasingh. In this regard, explanation has been given by the petitioner.

7.From these, it is clearly shown that such mistake was happened due to wrong entry made in the Register. Rule 24 (A) of the Stamp Act makes it clear that entry should be made then and there. Mere wrong entry will not lead to a conclusion that the petitioner has conspired with the third party in selling the stamp paper. Without any such evidence, imposing major punishment like removal or cancelling the entire license is not appropriate.

8.In such view of the matter, having regard to the fact that all along the petitioner has been suspended from the date of impugned order, this Court feels that it is suffice for the charges already faced by him. Hence, the impugned



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order of cancelling the license in No. 25099/S.1/2021, dated 19.05.2022 is stands quashed. There shall be no order as to costs.

27.08.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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2. The Deputy Inspector General of Registration,
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N.SATHISH KUMAR, J.

PNM

ORDER IN

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