



W.P(MD)No.25349 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.25349 of 2024

Mohan

... Petitioner

Vs

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 28.

2.The District Registrar,
The District Registrar Office,
Tamil University Post,
Thanjavur District.

3.The Sub Registrar,
Sub Registration Office Thiruvaiyaru,
Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the second respondent vide proceedings in Na.Ka.No.972/A4/2024 dated 09.08.2024 and quash the same.

For Petitioner : Mr.M.Vivek

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



W.P(MD)No.25349 of 2024

ORDER

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This Writ Petition has been filed by the petitioner challenging the order passed by the second respondent dated 09.08.2024 thereby rejecting the request made by the petitioner for issuance of licence for a document writer.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner was issued license in the year 1984 as a document writer. While being so, in the year 2005, on the request of Gurumoorthy Iyer and his son G.Shankar, the petitioner had drafted a sale deed and registered vide Document No.217 of 2006 with the Sub Registrar, Thiruvaiyaru. At the time of registration of the said deed, the total registration fees were paid through stamp paper for Rs.100/- and the remaining stamp duty of Rs.6,851/- was paid by cash. Another document was prepared by the petitioner on the request of the very same Gurumoorthy Iyer and his another son one G.Kalyanaraman and got registered vide Document No.218 of 2006. The registration fee was paid through stamp paper for Rs.700/- and



W.P(MD)No.25349 of 2024

the remaining stamp duty, registration fees and sub division fee of Rs.57,660/- was paid by cash. Thereafter, the second respondent revoked the license and also cancelled the document which was got registered through the petitioner by order dated 30.11.2012. It was challenged by the petitioner in W.P(MD)No.6389 of 2013. This Court by order dated 21.03.2014 set aside the order and directed the second respondent to pass a fresh order, after giving an opportunity of hearing to the petitioner by conducting an enquiry. However, it was not considered and as such, the petitioner filed another two Writ Petitions in W.P(MD)Nos.3253 of 2023 and 14730 of 2024. Thereafter, the second respondent issued notice to the petitioner and passed an order dated 09.08.2024 thereby rejecting the request made by the petitioner.

4.The learned counsel appearing for the petitioner would submit that once again the petitioner was not given an opportunity of hearing and no proper enquiry was conducted by the second respondent.

5.On perusal of the counter-affidavit filed by the second respondent and on the submissions made by the learned Special



W.P(MD)No.25349 of 2024

Government Pleader would reveal that the documents which were drafted by the petitioner and presented for registration, there was a random check in respect of 350 documents which were registered for the past five years and registers maintained by the stamp vendor. As per the report, the first respondent instructed the second respondent to conduct a detailed enquiry and to submit a report. Accordingly, the second respondent conducted a secret enquiry with the document writer, copywriter, stamp vendor and the person who did comparison work after preparation of the document and submitted a report dated 26.12.2007. As per the report, the documents approved and presented for registration by the petitioner, the then Sub-Registrar, Thiruvaiyaru misappropriated to the tune of Rs.4,500/- by issuing a receipt to the party for a sum of Rs.5,926/-, but it was mentioned in the office ledger as Rs.1,496/-. Likewise in respect of the second sale deed a sum of Rs.50,300/- was misappropriated by issuing a receipt to the party for a sum of Rs.51,140/-, whereas in the ledger entry, it was mentioned only to the tune of Rs.840/-. That apart, the petitioner only signed as Gurumurthi in both the receipts and abetted the Sub-Registrar in the malpractice and misappropriation of Government money. Therefore, the license of the petitioner was cancelled by the proceedings dated 30.11.2012. Though the matter has been



W.P(MD)No.25349 of 2024

remanded back to the second respondent for fresh enquiry, the petitioner did not appear for enquiry. After a period of 9 years, the petitioner submitted a fresh representation and also filed a Writ Petition before this Court in W.P(MD)No.3253 of 2023. When the said Writ Petition was pending, the petitioner submitted another representation and filed another Writ Petition in W.P(MD)No.14730 of 2024 for a direction to pass final orders on the representation submitted by the petitioner dated 08.06.2024. This Court by order dated 04.07.2024, directed the petitioner to appear before the second respondent on 05.07.2024 and directed the second respondent to pass orders. However, the petitioner did not appear before the second respondent on 05.07.2024 and did not produce any document in support of his contention. Thereafter, the petitioner was issued a summon to appear for hearing. On his appearance and after recording the statement, the second respondent passed the order thereby rejecting the request made by the petitioner to restore his document writer license. Thus, it is clear that the petitioner had colluded with the Sub-Registrar and misappropriated a huge sum while registering the sale deeds vide Document Nos.217 and 218 of 2006. Therefore, the request made by the petitioner was rightly rejected by the second respondent. In view of the above, this Court finds no infirmity or illegality in the order passed by the



W.P(MD)No.25349 of 2024

second respondent dated 09.08.2024. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

18.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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W.P(MD)No.25349 of 2024

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W.P(MD)No.25349 of 2024

G.K.ILANTHIRAIYAN, J.

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Order made in
W.P(MD)No.25349 of 2024

18.12.2024