

W.P.No.22661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.22661 of 2024
W.M.P.No.24687 of 2024

U.Saravanan

...Petitioner

Vs

1.The Inspector General of Registration
Office of the Inspector General of Registration
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar
(Administration)
Tindivanam Registration District
Tindivanam, Villupuram District.

3.The Sub-Registrar
Vallam SRO Office,
Villupuram District.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st respondent dated 09.03.2023 in his proceedings in Ref. Ka.No.22916/ S1/ 2022-2 in dismissing the petitioners statutory appeal and confirming the impugned order issued by



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the 2nd respondent in his proceedings in ref Na.Ka. No.1513 / A2/ 2022 dated 05.05.2022 and thereby cancelling the petitioners document writers license bearing Registration No.B19/ TVM/ 1999 and quash the same as illegal arbitrary unconscionable and grossly disproportionate and shocking the judicial conscience.

For Petitioner : M/s.R.Veeramani

For Respondent : M/s.P.Harish
Government Advocate
(For R1 to R3)

ORDER

The Writ Petition has been filed for the following relief:-

To call for the records pertaining to impugned order passed by the 1st respondent dated 09.03.2023 in his proceedings in Ref. Ka.No.22916/ S1/ 2022-2 in dismissing the petitioner's statutory appeal and confirming the impugned order issued by the 2nd respondent in his proceedings in ref Na.Ka. No.1513 / A2/ 2022 dated 05.05.2022 and thereby cancelling the petitioner's document writer's license bearing Registration No.B19/ TVM/ 1999 and quash the same.

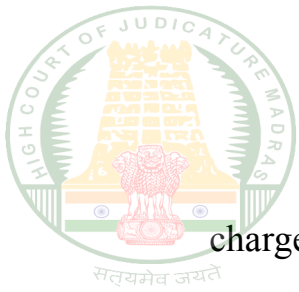
2.It is the case of the petitioner that he is a document writer and was issued with license bearing No.B19/TVM/1999 and has been discharging his duties as a document writer for over twenty-one years.



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3. On 14.12.2020, a surprise visit was made by the officers of Vigilance and Anti-Corruption, Chennai, in the Sub-Registrar office at Vallam. Nothing incriminating was found. Thereafter, a Policemen came to his office and had wanted to inspect the premises and he took Rs.21,350/- from his office and directed the petitioner to come to the office of SRO, Vallam, and explain it to the senior officer. The petitioner was able to account for the money. However, the officer concerned did not verify the records, but got his signature in a sheet of paper which was already prepared and the petitioner was not allowed to read and take copy of the same. Thereafter, a show cause notice was received from second respondent dated 06.05.2021 and written explanation was submitted by the petitioner on 15.06.2021 with the attendant documents to prove his innocence. Without holding an enquiry the second respondent passed the order dated 29.07.2021, cancelling the petitioner's license. Challenging the same, the petitioner had filed an appeal to the first respondent who after hearing both sides allowed the appeal and remanded back the matter to the second respondent for passing fresh order after giving due opportunity. Thereafter, petitioner had produced all the documents and presented witnesses. Through this enquiry the second respondent stated that the petitioner was charged collecting payment for scrutiny and other



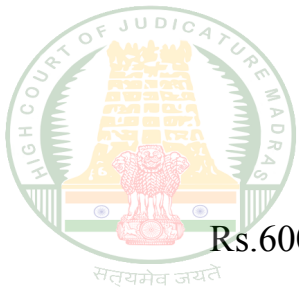
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charges. However, the first respondent found the same to be reasonable and advised the petitioner that till such time as the rules were suitably amended and modified charges should not be collected for the same and undertaking to that fact was also given. However, once again the second respondent chose to cancel the petitioner's licence vide the impugned order. Challenging the same, the petitioner is before this Court.

4.The counter affidavit has been filed by the second respondent. The only ground that has been raised is that petitioner has fixed fees for writing documents and unauthorised fees had been collected for three documents. However, it is also admitted that petitioner has issued a receipt. The respondent would state that the petitioner has been charging an excess of Rs.200/- per document and has therefore collected an excess of Rs.600/- for drafting documents. It is contrary to the table of fees.

5.Heard the learned counsels on either sides and perused the records.

6.The complaint against the petitioner appears to be very trivial in as much as the excess amount that has been collected is only a sum of



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Rs.600/-. The respondents had found that the petitioner had collected fees

in excess of table of fees for this minuscule amount they could have issued a warning to the petitioner and not have cancelled his license for life by revoking his licence for life for taking an excess amount of Rs.600/-. Petitioner's right of employment has been infringed upon. The Constitution of India has protected the Right of Employment under the Constitution. The action on the part of the second respondent appears to be a clear case of witch-hunting more particularly when the first respondent has considered the statement made by the second respondent during the enquiry and has taken note and had turned it down by stating that the charges collected appear to be reasonable and justifiable and that the table of fees that has been fixed require a reworking. In these circumstances, the impugned order cannot be sustained. Accordingly, the Writ Petition is allowed and the impugned order is set aside both on the ground it being totally disproportionate as well as unsustainable. The licence shall be restored within a period of three weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition is allowed with the above



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direction. No costs. Consequently connected miscellaneous petition is

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J.

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To

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