



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 19300 of 2017

AND

WMP No. 20801 of 2017

A.Meenakshi,
W/o.Thiru C.M.Shanmugasundaram,
No.3, L and T Colony, Phase II,
C.R.Ramakrishna Puram, 2nd Street,
Virugambakkam, Chennai 600 092.

Petitioner(s)

Vs

1. The Additional Chief Secretary
to Government,
Commercial Tax and Registration (K)
Department,
Fort St. George, Chennai 600 009.
2.The Inspector General of
Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai 600 028.

Respondent(s)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the G.O.(D).No.10 Commercial Tax and Registration (K) Department dated 06.01.2017 in pursuance of the proceedings No.36919/AA2/2014 dated 27.04.2016 on the file of the 2nd respondent and quash the same.

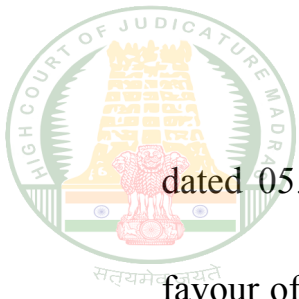
For Petitioner(s): Mr.S.Naganathan

For Respondent(s): Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The captioned Writ Petition has been filed seeking the issuance of a writ of Certiorari, assailing the order dated 06.01.2017 passed by the first respondent, confirming the order dated 27.04.2016 passed by the second respondent. By the said order, the petitioner was imposed with the punishment of stoppage of increment for one year without cumulative effect.

2. The petitioner, while working as Joint Sub Registrar at Kundrathur, was issued a charge memo, alleging that he had registered a Settlement Deed



dated 05.03.2014, executed by one Mrs. Sampoorani, wife of Palanisamy, in favour of her son and daughter, without verifying the original title deed relating to the subject property and without identifying the presenter of the document bearing Document No. 3508/2014.

3. The petitioner submitted an explanation to the show cause notice. However, the explanation was not found satisfactory. The Enquiry Officer, after conducting an enquiry, held that the charge against the petitioner stood proved. Subsequently, the Disciplinary Authority issued a second show cause notice, calling upon the petitioner to furnish a further response. Upon considering the said response, the Disciplinary Authority passed an order withholding one increment for one year without cumulative effect, which was confirmed by the Appellate Authority. Aggrieved by the said orders, the petitioner has filed the present writ petition.

4. Mr.S.Naganathan, learned counsel for the petitioner, submitted that the Settlement Deed was presented by Mrs. Sampoorani, wife of Palanisamy, and



the subject property stood in her name. She was alleged to be the second wife of

Palanisamy. Therefore, there was no occasion necessitating verification of the

identity of the presenter. He further submitted that the Settlement Deed was

registered only after verifying the original title deed, and as such, there was no

derelection of duty on the part of the petitioner to warrant the imposition of a

penalty.

5. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents, submitted that the petitioner registered the Settlement Deed without verifying the original title deed and without identifying the presenter, which amounts to dereliction of duty. He also submitted that the petitioner failed to follow the circulars issued by the Competent Authority, and thus, the impugned order withholding one increment without cumulative effect is valid and does not warrant interference by this Court.

6. The arguments of the learned counsel for both parties have been duly



considered.

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7. The Settlement Deed dated 05.03.2014 was presented for registration by one Sampoorani, wife of Palanisamy, before the petitioner, who was then serving as Sub-Registrar, Kundrathur. Through the said deed, the property was conveyed in favour of her son and daughter. Subsequently, one Mrs. Sampoorani (alleged second wife) of Palanisamy claimed to be his legally wedded wife and filed a complaint before the Tamil Nadu State Human Rights Commission in SHRC No. 3798 of 2014 against the alleged first wife, Sampoorani, for impersonation and fraudulent alienation of immovable property.

8. The SHRC referred the complaint to the second respondent for enquiry. Based on this referral, a departmental enquiry was initiated against the petitioner, and an Enquiry Officer was appointed. After recording the statements of both the complainant and the petitioner, the Enquiry Officer submitted a report holding that the charges against the petitioner were proved.



9. Based on the second show cause notice and the petitioner's further response, the second respondent passed the impugned order. It is not in dispute that the Settlement Deed was presented by Sampoorani, wife of Palanisamy, residing at No. 139/2, I.C.F. West Colony, Chennai 600 038, while the alleged second wife was residing at No. 23, Bharati Nagar, Thiruverkadu, Chennai 600 077. Along with the Settlement Deed, the presenter produced identity documents such as ration card and voter ID, which indicated her name as Sampoorani, wife of Palanisamy.

10. Thus, the names of the presenter and the complainant are identical, and under these circumstances, there was no occasion for the petitioner to doubt the identity of the presenter.

11. Accordingly, the finding of the Enquiry Officer that the petitioner failed to identify the presenter of the document is without merit.

12. As regards the allegation of non-verification of the original title deed, the petitioner had verified the original Settlement Deed executed earlier by the



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deceased Palanisamy in favour of his alleged second wife. That original deed itself was in the name of Sampoorani, wife of Palanisamy, and therefore, the conclusion that the petitioner failed to verify the title deed lacks substance.

13. The petitioner acted in due diligence while registering the Settlement Deed and cannot be held liable, even if the presenter impersonated someone else. The responsibility for such impersonation cannot be fastened upon the petitioner in the absence of any apparent discrepancy in the documents presented.

14. Hence, the impugned order passed by the second respondent holding that the petitioner committed dereliction of duty is arbitrary, discriminatory, and not supported by materials on record. The penalty of withholding increment for one year without cumulative effect is therefore not justified and is liable to be set aside.

15. Accordingly, the Writ Petition is allowed. The impugned order dated 06.01.2017 bearing G.O.(D) No.10, Commercial Taxes and Registration (K)



Department passed by the first respondent, and the order dated 27.04.2016

bearing proceedings No. 36919/AA2/2014 passed by the second respondent are

hereby quashed. No costs. Consequently, the connected miscellaneous petition is closed.

06-08-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Additional Chief Secretary

to Government,

Commercial Tax and Registration (K) Department,

Fort St. George, Chennai 600 009.

2. The Inspector General of

Registration,

O/o. Inspector General of Registration, No.100, Santhome High Road,

Mylapore, Chennai 600 028.



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HEMANT CHANDANGOUDAR J.

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