



W.P(MD)No.10293 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10293 of 2025

and

W.M.P(MD)No.7676 of 2025

M.Masanam

...Petitioner

Vs.

1. The Director General of Registration,
Office of Director General of Registration,
Door No. 100,
Shanthom High Road,
Chennai 600028

2. The District Registrar,
Madurai South,
Door No. 171,
Palace Road,
Madurai 625 001

3. The Sub Registrar,
Sub Registrar Office,
Usilampatti,
Madurai 625 532

...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court praying this Court to issue a Writ of Certiorari, calling for the records of the order dated 20.02.2025 in Na.Ka.No. 7490/Aa3/2024-1 passed by



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2nd respondent and quash the same.

For Petitioner : Mr.N.Vallinayagam
For R-1 to R-3 : Mr.D.Sasikumar,
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the order dated 20.02.2025 in Na.Ka.No.7490/Aa3/2024-1 passed by 2nd respondent.

2.Through the impugned order, the petitioner's licence as a document writer was cancelled. Aggrieved over the same, the present writ petition is filed.

3. The brief facts of the case are that the petitioner was granted license in license No.B5719/2010/PYK and the petitioner was doing documentation work for past 32 years. The petitioner was doing the work fairly, without any complaint or grievance from the people. In such circumstances, the 2nd respondent had said to have received a letter from the 1st respondent dated 10.10.2022, in which it has been stated that the petitioner had received a sum of Rs.1600/- from one Kamal Pandi as document writer charge from his instead of Rs.50/- which is the legally chargeable amount for registering the M.O.D. Based on the said communication, a show cause notice dated 28.08.2023 was issued and



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the petitioner had submitted explanation dated 11.10.2023. Apart from the above, the 3rd respondent sent a letter dated 13.10.2023 to the 1st respondent. The contentions of the petitioner is the 2nd respondent has not furnished the original order dated 20.02.2025 passed in Na,Ka.No.7490/A3/2024-1. But only has furnished the photo copy of the order. The further contention of the petitioner is that after receipt of the explanation of the petitioner the 1st respondent without giving any opportunity of the personal hearing, without conducting any enquiry, without giving opportunity to dispute excess charging and without following the procedures, to cancel the license permanently. The respondents are bound to provide the sufficient opportunity to the petitioner. Whenever civil rights of the persons. Hence the impugned order is violative of principles of natural justice. Hence the petitioner prayed to quash the impugned order.

4.The 2nd respondent has filed counter wherein it is sated that the Secretary, Commercial Taxes and Registration (K) Department, Secretariat, Chennai through Government Letter (D) No.166 dated 27.07.2022 had informed the 1st respondent that the complaint was received on 13.09.2019, that the petitioner had collected excess amount as their charges for reregistering the M.O.D. The complaints were received regarding the document writers Thiru.Masanam, Thiru.N.Selvaraj, Thiru.S.Rajendran, Thiru.S.Rajapandian and



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Thiru.G.Sekar that they have collected excess amount as their charges as against the Government Order and they had violated the Tamil Nadu Document Writer's Rules,1982. Hence the competent authority to take appropriate action against the above said registered Document Writers. In pursuant to the Government Letter (D).No.166 dated 27.07.2022, the 1st respondent vide letter No.33174/S1/2022, dated 10.10.2022, issued direction to the 2nd respondent to take appropriate action against the above said document writers by issuing show cause notice under Rule 16 of Document Writers License Rule and report the same to the 1st respondent. As per the directions of the Secretary, Commercial Taxes and Registration (K) Department, and the 1st and 2nd respondent had issued show-cause to the petitioner vide Na.Ka.No.7490/Aa3/2023, dated 28.08.2023, in prescribed Form-B.

5.After receiving the show cause notice issued by the 2nd respondent, the petitioner had submitted his reply that he didnot charged any excess amount towards document preparation charges from anyone. Further the petitioner submitted that on the day of inspection he had registered only one M.O.D and for that he had collected only the government approved document writing charge and to drop the proceedings. The reply received form the petitioner and the report received from the Sub-Registrar, Usilampatiti dated 2.1.2023 was carefully perused. The petitioner failed to submit the Document Writer Account Register



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and the Receipt book for receiving charges for preparation of Document from the parties maintained by him along with his reply. The reply submitted by the petitioner is not convincing and not supposed to be acceptable. Hence, the charges were proved. Hence it is ordered to cancel the license permanently vide the impugned order. The petitioner has without appeal remedy as filed the writ petition. The petitioner was licence canceled by breach of condition in Tamil Nadu Document Writers License Form B Conditions (b), (c), (e) and (f). The petitioner was granted opportunity but he failed to substantiate by proceedings document. Hence the respondents prayed to dismiss the Writ Petition.

6. After hearing the rival submissions, the respondents have issued show cause notice and the petitioner has submitted his explanation. The petitioner was expecting to grant personal hearing so that he can produce the register and receipt book before the authority. However, the respondents without affording a personal hearing and without granting opportunity to explain, passed the impugned order. Therefore, there is clear violence of principles of natural justice. An enquiry ought to be conducted and personal hearing ought to be granted. When the impugned order was passed without granting an opportunity of personal hearing, then it is violative of principles of natural justice and hence, the impugned order is liable to be quashed. Therefore, the matter is remitted back to



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the respondents for fresh consideration. The respondents shall fix the date of enquiry and intimate same to the petitioner. The petitioner is at liberty to submit the document and sustain his claim. After perusing the documents, the respondents shall pass a fresh order. The enquiry shall be complete within a period of 6 weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

NCC : Yes / No
Internet : Yes

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S.SRIMATHY, J.

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ORDER MADE IN

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