

(2002) 02 KL CK 0024
In the High Court Of Kerala
Case No : O.P. No. 4023 of 2002

Sasidharan

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 15-02-2002

Acts Referred:

Kerala Document Writers Licence Rules, 1960 — Rule 31, 32, 33

Citation : (2002) 02 KL CK 0024

Hon'ble Judges : K.A. Abdul Gafoor, J

Bench : Single Bench

Advocate : Siby Mathew, A.A. Mohammed Nazir, Philip J. Vettickattu and George Johnson, for the Appellant; George Necheril, Govt. Pleader, for the Respondent

Judgement

K.A. Abdul Gafoor, J.

1.Challenge in this Original Petition is against Exts. P7 and P9. By Ext. P7 Document Writers" licence granted to the petitioner had been suspended by the second respondent, Deputy Inspector General Registration (Licencing). This had been under challenge in this court on an earlier occasion. As that order was amenable for the statutory appeal, this court relegated the petitioner to such appeal as per Ext. P8. Petitioner filed an appeal. Now that appeal is returned as per Ext. P9 for submission before the Inspector General of Registration. Ext. P9 reads as follows:

"I am directed to invite your attention to the appeal petition referred to above and to inform that the appeal against the proceedings of DIGR (Lic) cited above may be preferred before the Inspector General of Regn. Since he is the competent authority to deal such appeals, I am also to inform that your petition praying for stay against the said proceedings is rejected."

2. When the suspension now ordered, as per Ext. P7, is by neither of the officers made mention of in Rule 31(1), necessarily such suspension shall be taken as one issued under Rule 32. It is one issued by the Deputy Inspector General

(Licensing), the licensing authority. Rule 33 provides that "an appeal shall lie to the Government from any order of suspension or cancellation of a document writers licence issued under the rules." Necessarily the order of suspension in terms of Rule 32 shall be amenable for appeal under Rule 33 and the appellate authority to entertain such an appeal is the Government.

3. As the suspension order Ext. P7 is not one issued by any of the authorities mentioned in Rule 31, it has to be taken as an order as per Rule 32 amenable for appeal in terms of Rule 33. Accordingly, Ext. P9 is quashed direction the Government to comply with the directions contained in Ext. P8 afresh and to pass fresh orders within a month from the date of receipt of a copy of this judgment.