

(2013) 02 RAJ CK 0005
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9816 of 2010

Satish Kumar

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 26-02-2013

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2013) 2 WLN 327

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : H.R. Chawala, for the Appellant; K.K. Bissa, for the Respondent

Judgement

Vijay Bishnoi, J.—The petitioner, a Deed Writer working at Anoopgarh, District Sri Ganganagar, has filed this writ petition against the order dt. 09.07.2010 whereby the respondent No. 3 has cancelled his licence dt. 05.07.1993 (Annex. 1) issued under the provisions of Rajasthan Registration (Licensing of Documents Writers) Rules, 1956. The brief facts of the case are that the petitioner was holding the licence as a Deed Writer since 1993. The licence was renewed from time to time upto 31.12.2007. On 18.12.2007, the petitioner has moved an application for renewal of his licence, however, no order was issued on that application, then the petitioner approached the office of District Registrar, Sri Ganganagar, whereby he was informed that inquiry will be conducted that whether the petitioner is working as Deed Writer or not. On 29.12.2008 again the petitioner applied for renewal of his licence for the year 2009. The Collector vide letter dt. 17.11.2009 has sought a report from the Sub-Registrar Anoopgarh that whether the petitioner is working as a Deed Writer or not. The Sub-Registrar vide its report dt. 04.12.2009 has submitted a report that the petitioner is working as a Deed Writer since 2007 regularly. However, the District Collector simultaneously has also issued a notice dt. 17.11.2009 (Annex. 6) to the petitioner and asked him to show cause why he has not got his licence renewed. In response to the notice dt. 17.11.2009, the petitioner has submitted a reply before the Collector and

thereafter the petitioner has again submitted a representation before the District Registration Officer, Sri Ganganagar for renewal of his licence as a Deed Writer from 01.01.2010 to 31.12.2010 while stating that he has applied for renewal of his licence on 18.12.2007 for the year 2008 and on 31.12.2008 also he applied for renewal of his licence for the year 2009, however, the same is pending consideration and no decision has yet been taken and, therefore, the petitioner further prayed for renewal of his licence for the year 2010. The respondent No. 3 thereafter passed an order dt. 09.07.2010 and cancelled the licence (Annex. 1) while mentioning that the petitioner has not got his licence renewed after 2007.

2. A reply to the writ petition has been filed on behalf of the respondents and it is contended that as the petitioner has failed to deposit prescribed fee along with the renewal application, therefore, the respondent No. 3 has rightly cancelled the licence of the petitioner for working as Deed Writer.

3. Learned counsel for the petitioner while reiterating the points raised in the writ petition has argued that similarly situated licence holders working at Anoopgarh have also not renewed their licence since 2007, however, the respondents have renewed their licence on 07.05.2010 for the years 2008, 2009 and 2010 by depositing the fees on 28.05.2010, however, the same relief has not been granted to the petitioner and, therefore, the action of the respondents is violative of Article 14 of the Constitution of India. Reliance was placed upon proceedings dt. 07.05.2010 (Annex. 10), whereby the licence of similarly situated persons have been renewed for the year 2008, 2009 and 2010 by the respondents.

4. Learned counsel for respondents has argued that since the petitioner has not deposited the requisite fee in time, the respondent has rightly cancelled the licence vide order dt. 09.07.2010. Learned counsel for the respondents has failed to give any explanation regarding the renewal of licence of similarly situated persons vide Annex. 10.

5. Heard learned counsel for the parties.

6. From the perusal of the documents annexed by the petitioner along with the writ petition, it is clear that the petitioner has applied for renewal of his licence on 18.12.2007 and thereafter he has again applied on 31.12.2008 before the District Collector, Sri Ganganagar and the District Collector, Sri Ganganagar has sought a report from the Sub-Registrar Anoopgarh and he has reported that the petitioner is working as Deed Writer since 2007 regularly. In response to the notice dt. 17.11.2009 issued by the District Collector, the petitioner has requested for renewal of his licence and has also stated that he is ready to pay required fees along with penalty for the purpose of renewal of his licence. The petitioner again moved an application on 17.05.2010 before the respondent No. 3 and has requested for renewal of his licence.

7. The respondent No. 3 has passed the order dt. 09.07.2010 wherein it is mentioned that the applicant has stated that he has forgotten to apply for renewal of his licence and therefore, the licence has not been renewed, however,

in the reply to the writ petition and during the course of arguments, no explanation is offered by the respondents in respect of renewal of licences of other similarly situated persons for the year 2008, 2009 and 2010 vide order dt. 07.05.2010 (Annex. 10). In the facts and circumstances of the case, the writ petition filed by the petitioner is allowed and the order dt. 09.07.2010 passed by the respondent No. 3 is hereby quashed and set aside and the respondent No. 3 is directed to consider the application of the petitioner for renewal of his licence for the year 2007 to till date. The petitioner is directed that along with the application for renewal of his licence, he may submit the requisite fee along with penalty, if any. On making such application by the petitioner, the respondent No. 3 will consider the same in the light of above-mentioned observations and decide the application of the petitioner within a period of one month.