

(2014) 01 P&H CK 0161

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 1433 of 1994

Chatter Bhuj

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Jan. 23, 2014

Citation: (2014) 175 PLR 289

Hon'ble Judges: Ritu Bahri, J

Bench: Single Bench

Advocate: Sanjay Mittal, Advocate for the Appellant; Deepak Jindal, DAG, Advocate for the Respondent

Final Decision: Allowed

Judgement

Ritu Bahri, J.

Heard counsel for the parties. Challenge in this petition is to the order dated 18.1.1994 (Annexure P2) by which the licence of the petitioner as Document Writer was cancelled as per Rule 15(1 & 2) of the Punjab Documents Writer Licensing Rules, 1961 which is reproduced as under:-

(1) The Sub-Registrar of the Joint Sub-Registrar, after giving the document writer an opportunity of being heard, may issue written warning to him if he is found to have committed a breach of any of the rules of conditions of his licence. A copy of the warning shall be sent to the Licensing Authority for record.

(2) If a document writer persists in committing the breach of any of the rules of conditions of his Licence, the Licensing Authority may, after giving the document writer an opportunity of being heard, suspend his licence for a period not exceeding three months at a time. In case the licence is suspended twice, the Licensing Authority may cancel the same.

2. The procedure for cancelling the licence as per aforesaid rule is that Sub-Registrar or Joint Registrar can give an opportunity of hearing before the licence is suspended which includes a copy of the warning as per sub clause (1) of Rule 15. As per

sub-clause (2) of the said Rule the Registrar was to give an opportunity of hearing before suspending his licence and the licence could not be suspended for a period exceeding three months at a time.

3. As per reply, in the present case, the order is justified as a complaint has been made to the Commissioner, Rewari, that the petitioner has demanded Rs. 500/- from Tehsildar, Rewari, for getting the work done and thereafter the order dated 18.1.1994 (Annexure P-2) was passed. No opportunity of hearing as contemplated under the Rules has been given. The order dated 18.1.1994 (Annexure P2) is set aside.

Petition is allowed.