Date of reserved for orders : 27.04.2026
Date of pronouncement : 16.07.2026
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APHC010490042024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3233]**
(Special Original Jurisdiction)

THURSDAY, THE 16th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 25160/2024

Between:

1. MEDASANI VENKATESWARA RAO, S/O. LATE KUTUMBA RAO, AGED 64 YEARS, OCC ADVOCATE AND NOTARY, R/O. DOOR NO.9-6, FLAT NO.409, SRI MITHRA JEWEL APARTMENTS, TADIGADAPA, PENAMALURU MANDAL, KRISHNA DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE (REGISTRATION AND STAMPS) DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE COMMISSIONER AND INSPECTOR GENERAL, REGISTRATION AND STAMPS, AP, DOOR NO.5-59, RK SPRING VALLEY APARTMENTS, VIJAYAWADA, NTR DISTRICT-520001.
3. THE DEPUTY INSPECTOR GENERAL REGISTRATION AND STAMPS, AP, DOOR NO.5-59, RK SPRING VALLEY APARTMENTS, VIJAYAWADA, NTR DISTRICT - 520001.
4. THE DISTRICT REGISTRAR, NTR DISTRICT, VIJAYAWADA, AP, PANTA KALUVA RD, MARUTI COLONY, PATAMATA, BENZ CIRCLE, VIJAYAWADA, ANDHRA PRADESH - 520008.
5. RAVI KUMAR, JOINT IG, REGISTRATION AND STAMPS, C/O. O/O. COMMISSIONER AND IG, REGISTRATION AND STAMPS, DOOR

NO.5-59, RK SPRING VALLEY APARTMENTS, VIJAYAWADA, NTR DISTRICT - 520001.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS a) Declaring the action of the respondent no.1 in issuing Memo No.REV01-REGSOACTS (NOTR)/3/2024-REGN.II Dt.21-08-2024 as illegal, arbitrary and in violation of Articles 14, 19 (1) (g) and 21 of the constitution of India as well as against the statutory provisions as contained in sec. 10 of act 53/1952 as well as against Rule 13 of Notaries Rules 1956 and consequently to set aside the same. b) Declaring the action of the respondents in not renewing the certificate of practice of the petitioner in spite of submitting an application dt.22-06-2011 as well as payment of fee as being illegal, arbitrary and against the statutory provisions as contained in Sec.5 of the Act 53/1952 as well as Rule 8 (b) of Notary Rules and consequently direct the respondents to renew the certificate of practice of the petitioner issued vide G.O.Rt.No.1080 dt.12-05-2008. and to pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to suspend the operation of the Memo N0.REV01-REGSOACTS (NOTR)/3/2024-REGN.II Dt.21-08-2024 issued by the 1st Respondent, pending disposal of the above writ petition and pass

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents renew the certificate of practice of the petitioner issued vide G.O.Rt.No.1080 dt.12-05-2008 vide application dt.22-06-2011, pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1. SUDHAKARA RAO AMBATI

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS

The Court made the following ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents.

2. This writ petition was filed questioning the action of the 1st respondent in issuing Memo No.REV01-REGSOACTS (NOTR)/3/2024-REGN.II dated 21.08.2024 under Section 10 of the Act 53 of 1952 and Rule 13 of Notaries Rules 1956 and to set aside the same and questioning the action of the respondents in not renewing the Certificate of Practice of the petitioner inspite of submitting an application dated 22.06.2011 as violative u/s.5 of the Act 53 of 1952 and Rule 8(b) of Notary Rules and consequently to direct the respondents to renew the Certificate of Practice of the petitioner issued vide G.O.Rt.No.1080 dated 12.05.2008.

3. The petitioner is a practicing advocate and applied for appointment as Notary before the statutory authorities under Notaries Act, 1952 (Act 53 of 1952) and Notary Rules 1956 made thereunder. The Government of A.P. issued certificate of practice in favour of the petitioner to act as Notary on 17.09.1998 for a period of three (3) years from 17.09.1998 in respect of Penamaluru Mandal area in Krishna District. It was renewed from time to time and subsequent renewal has been on 12.05.2008 for a period of five (5) years with effect from 17.09.2006 vide G.O.Rt.No.1080 Revenue (Registration.II) Department dated 12.05.2008. As per the said renewal, the petitioner's

Certificate of Practice of notary was renewed for five years with effect from 17.09.2006 and the same was expired on 16.09.2011. The petitioner submitted an application for renewal on 22.06.2011 as per Rule 8B of the Notary Rules 1956 applying for renewal within six months from the date of expiry. Then the 2nd respondent directed the 4th respondent to offer its remarks for renewal of petitioner's Certificate of Practice vide Memo No.NR/9839/2011 dated 27.06.2011. The petitioner submitted several request letters for renewal on 25.06.2012, 19.08.2013, 29.09.2014, 01.08.2018, 22.03.2021, 02.09.2021, 21.09.2021 and 09.05.2024 which were acknowledged by the respondent Nos.2 to 4. The petitioner paid renewal fee of Rs.1000/- on 16.09.2021 vide Bank Reference No.CTA/BPOTKY3 and the said amount was encashed by the Government on 18.09.2021. Likewise the petitioner paid Rs.3000/- through three challans for renewal on 16.09.2021 and the said payment was also encashed by the Government of A.P. on 18.09.2021. The petitioner did not suffer any disqualification for renewal as stipulated u/s.10 of the Act 53 of 1952 and as such he is eligible for renewal of license to act as Notary.

4. But all of sudden, in utter disregard of law, the petitioner received Show Cause Notice bearing No.239/2021 dated 29.04.2024 issued by the 3rd respondent which reads as under:

> "It is informed that Government after careful examination of the Inquiry report and record of material available and the powers vested under Sections 10 and 12 of the Notaries Act, 1952 and Rule 13(12) of the

> Notaries Rules, 1956 have decided to remove the name of Sri Medasani Venkateswara Rao, Advocate and Notary, Penamaluru, Krishna District, from the Notary Register maintained under Section 4 of the Ac and also to take action to impose penalty u/s.12(b) of the Act against you as your practicing against the provisions of the Notaries Act, 1952 and Notaries Rules, 1956.
>
> Therefore Sri Medasani Venkateswara Rao, Advocate & Notary, Penamaluru, Krishna District, is hereby directed to submit explanation/representation within 15 days from the date of the receipt of the notice, otherwise it will be construed that you has no explanation to submit in the matter and further action will be taken in accordance with the provisions of Act and Rules".

5. The said Show Cause Notice was served on the petitioner on 29.04.2024 under the caption "Show Cause Notice", but the content in the said Show Cause Notice reveals that the Government decided to remove the name of the petitioner from the Notary Register maintained u/s.4 of the Act and impose penalty on him u/s.12(b) of the Act. Till this date the petitioner was not supplied any copy of the allegations levelled against him which prompted the 1st respondent to take such a drastic decision of removing the name from the Notary Register maintained u/s.4 of the Act. This is nothing but gross violation of the principles of natural justice. However the petitioner offered an explanation to the Show Cause Notice dated 09.05.2024 requesting the authorities to renew his application for practice of Notary. The 1st respondent again served the impugned Memo bearing No.REV01-REGSOACTS (NOTR)/3/2024-REGN.II dated 21.08.2024 rejecting the request for renewal of Certificate of Practice by directing the petitioner not to practice at any location in the State as Notary by further directing the 2nd

respondent to remove the name of the petitioner from the Notary Register maintained u/s.4 of the Act.

6. On the other hand, the respondent Nos.1 and 2 filed affidavits contending that the petitioner submitted an application and stated that he was appointed as Notary vide G.O.Ms.No.723, Revenue (Regn.II) Department, dated 17.09.1998 in the combined State of Andhra Pradesh. Further his practice was renewed upto 2011. He applied for renewal on 22.06.2011 for a further period of five (5) years. The petitioner had not paid any challans in the year 2011. As per Rule 8-B of the Notaries Rules, 1956, the Certificate of Practice may be renewed for a period of five (5) years on payment of prescribed fee. As per the above said Rule, every application for renewal shall comply with proper challan of payment of renewal fee but the application of the petitioner was without any fee paid and therefore the same is deemed to have been rejected. After conducting enquiry, when the question of payment was raised by the registering authorities, then the petitioner paid challans in the year 2021. Thus the application was not complete without the payment of fee on 22.06.2011 and the request of the petitioner that his license be renewed is without any basis and is self contradictory.

7. Be that as it may, the 4th respondent conducted a surprise visit at NTR Circle, Vijayawada on 19.03.2021 and noticed that the petitioner was practicing as Notary Public at NTR Circle, Vijayawada. Thereafter the 4th respondent issued notice to the petitioner to appear before the authority on

23.03.2021 along with relevant records. Accordingly, the petitioner submitted the records. Then it was noticed from the records that he was practicing as a Notary at an unauthorised place and used to affix stamp with the address of Tadigadapa and his Certificate of Practice of Notary (COP) was valid only up to 22.06.2011 and there was no renewal from that date. The Government examined the same and appointed an Inquiry Officer on the irregularities committed by the petitioner vide Govt. Memo No.REV01-REGSOACTS (NOTR)/3/2024, Regn.II, dated 31.01.2024. On 04.03.2024, the enquiry was conducted and a detailed report was submitted before the appropriate authority. It was noticed in the enquiry that the petitioner violated the rules under Section 9 of the Notary Act, 1952 and practicing as Notary without having valid certificate. Hence Show Cause Notice was issued on 29.04.2024 to the petitioner calling for an explanation. The petitioner submitted his explanation on 09.05.2024 admitting that he has violated the Notary rules by practicing at a location other than the jurisdiction in which his Certificate of Practice was issued. The 2nd respondent recommended for non renewal of Certificate of Practice in respect of the petitioner. Therefore the application of the petitioner for renewal of Certificate of Practice was rejected and directed him not to practice at any location in the State as Notary with a further direction to remove the name of the petitioner from Notary Register.

8. In the light of the above said facts and circumstances, upon consideration of the rival submissions made and basing upon the material

available on record, it is to be seen that the 1st respondent issued the impugned Memo dated 21.08.2024 and reading of the same discloses that the 2nd respondent vide letter dated 03.11.2023 informed that the petitioner submitted an application and stated that he was appointed as Notary vide G.O.Ms.No.723, Revenue (Regn.II) Department, dated 17.09.1998 in the combined State of Andhra Pradesh. Further the Certificate of Practice was renewed up to 2011. He applied for renewal on 22.06.2011, 16.09.2016 and 16.09.2021. The individual requested for renewal of Certificate of Practice for further period of five(5) years. The 2nd respondent informed that the 4th respondent reported that she conducted a surprise visit at NTR Circle, Vijayawada and noticed that the petitioner is practicing as a Notary Public at NTR Circle, Vijayawada address as per the display of the name board before the office and ***he is not available by that time.*** The 4th respondent issued a notice to the petitioner to appear before her on 23.03.2021 along with relevant records. Accordingly, the petitioner appeared before the 4th respondent and submitted the records.

9. As seen from the records produced by the Notary, (1) he is practicing as Notary Public at NTR Circle instead of his authorised place i.e., at Penamaluru, (2) used to affix stamp with the address of Tadigadapa and (3) his renewal of Notary (COP) is valid up to only 22.06.2011 and there is no renewal from that date. But he is practicing as Notary Public at NTR Circle,

Vijayawada. The 3rd respondent forwarded the report of the 4th respondent and made the following observations and recommendations.

(a) The petitioner, Notary Public is practicing without having renewal of his Certificate of Practice,

(b) He is practicing in an un-authorized place instead of the place mentioned in the original Certificate of Practice, and

(c) Hence, action may be initiated as per the provisions laid down in Rule 12(b) of Notary Rules, 1956.

10. The 1st respondent examined the matter and through a Government Memo dated 31.01.2024, the 2nd respondent was directed to appoint the 5th respondent as Inquiry Officer to inquire into the irregularities / misconduct against the petitioner, Advocate and Notary, Penamaluru, Krishna District and submit a report in the matter. The 2nd respondent was also requested to examine the enquiry report submitted by the 5th respondent and furnish the same to the 1st respondent with his specific recommendations for taking further action in the matter. The 5th respondent submitted his report dated 04.03.2024 stating that as the conduct of the accused is violative of Section 9 of the Notary Act, 1952, his Certificate of Practice need not be renewed. The 2nd respondent examined the report of the 5th respondent and in the proceedings dated 05.03.2024 stated that as seen from the enquiry report, there is a clear violation of Section 9 of the Notaries Act, 1952 by the

petitioner, Notary and Advocate. Hence, the 2nd respondent reported that the recommendation of the 5th respondent may be accepted. Accordingly, through Government Memo dated 25.04.2024 of the 1st respondent, a Show Cause Notice was issued to the petitioner, Notary and Advocate to remove his name from the Notary Register maintained u/s.4 of the Act and impose penalty u/s.12(b) of the Act against him as he was practicing against the provisions of the Notaries Act, 1952 and Notaries Rules, 1956.

11. The petitioner submitted his explanation dated 09.05.2024 stating that he obtained Certificate of Practice of notary vide G.O.Ms.No.723, Revenue (Regn.II) Department, dated 17.09.1998 and was authorized to practice as such subject to the provisions of the Notaries Act, 1952 and the Rules made thereunder and the same was being extended from time to time latest by G.O.Rt.No.1080 dated 12.05.2008 for a period of five (5) years. Further submitted that his application for renewal of Certificate of Practice on 22.06.2011 before the authorities concerned at Hyderabad address, was within time and his family is dependent upon him and he need to practice notary. He has no other source of income except this notary practice and he never committed any mistakes during the course of his notary practice and if any mistakes are committed unknowingly, the same may be excused. The petitioner denied all the findings of the Inquiry Officer/5th respondent and he has not substantiated against the findings of Inquiry Authority. The 2nd respondent submitted a report dated 07.06.2024 and informed that the

explanation of the petitioner has not answered the violations. He himself admitted that he is practicing at a location other than the jurisdiction to which his Certificate of Practice was issued, in the enquiry conducted by the 5th respondent. But he continued notary even after expiry of his license, which is against the Notary rules. Thus the 2nd respondent recommended that the Certificate of Practice in respect of the petitioner, Advocate and Notary need not be renewed. The 1st respondent after careful examination of the matter, rejected the request of the petitioner for renewal of Certificate of Practice as Notary. The petitioner was also directed not to practice at any locations in the State as Notary and in deviation, criminal action will be initiated against him under Section 9 of A.P. Notaries Act. The 2nd respondent was directed to remove the name of the petitioner, Advocate from Notary Register maintained u/s.4 of the Act and further action shall be taken accordingly.

12. As could be seen from the above, it is clear that the petitioner's Certificate of Practice of Notary was renewed up to 2011 and he applied for further renewal for a period of five (5) years on 22.06.2011 within time, as stipulated under the provisions of law and the rules made thereunder. Whatever fee or challans enclosed with the renewal letters of the petitioner were received by the respondents specifically in the year 2021, but the respondents did not act upon. While so, even in the surprise visit of the 4th respondent at NTR Circle, Vijayawada/the alleged place, she noticed that the petitioner was not available there and as such the allegation that "he was

practicing elsewhere as Notary other than the place of Certificate of Practice" falls to the ground and it has no legs to stand. Unless the petitioner was caught red handed/found at the alleged place of "practicing Notary", the allegation/charge will not be strengthened to build up the record further. It is surprising to note that how the 4th respondent could conclude from the records produced by the petitioner to allege that he was practicing elsewhere other than the place of authorised, that too when the surprise visit failed. At best, it must have been noticed that there was no renewal of Notary (COP) after 22.06.2011 due to their own lapses even though the petitioner made request for renewal within time. Relying upon the said report of the 4th respondent, the other respondents in the references cited of the impugned proceedings dated 21.08.2024 recommended the same for removal of the petitioner's name from the Notary Register without applying their mind individually. At any stage of the impugned recommendations, the petitioner was not given any opportunity to participate. Even the Inquiry Officer appointed did not conduct the inquiry following the procedure known to law. No article of charge was served, no one was examined, the explanation of the petitioner was not considered and the petitioner was not allowed to participate in the inquiry to disprove the allegation levelled against him. Finally, the impugned proceedings were issued dated 21.08.2024 by the 1st respondent which is vitiated from gross violation of principles of natural justice and as such it is liable to be declared as void *ab initio, non est* and nullity. Accordingly, it is set aside herewith. The

impugned action of the respondents is declared as most unreasonable and vindictive in the interest of justice. The respondents cannot canvass other than the reasons mentioned in the impugned proceedings by raising them first time additionally in their counters. Consequently, the respondents are directed to renew the petitioner's Advocate-Notary Certificate of Practice for another period of five (5) years from the date of renewal, collecting necessary fee or charges if any by considering the above said renewal applications of the petitioner within a period of two (2) months from the date of receipt of this order.

13. Accordingly the writ petition is allowed. There shall be no order as to costs. Interim order if any deemed to have been vacated.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE B. KRISHNA MOHAN

Date : 16.07.2026
PND

Whether the order is :

Speaking	☑	Reasoned	
Reportable	☑	Non-reportable	

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

***

WRIT PETITION No.25160 of 2024

Between:

Medasani Venkateswara Rao

… Petitioner

And

$ The State of Andhra Pradesh, Rep. by its Principal Secretary and others.

…Respondents

Date of Judgment pronounced on : 16-07-2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE B.KRISHNA MOHAN

1. Whether Reporters of Local newspapers may be allowed to see the judgments? : Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals: : Yes/No

3. Whether the Lordship wishes to see the fair copy Of the Judgment? : Yes/No

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JUSTICE B.KRISHNA MOHAN

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* **THE HON'BLE SRI JUSTICE B.KRISHNA MOHAN**

+ W.P. No.25160 of 2024

% Dated: 16-07-2026

Between:

Medasani Venkateswara Rao

…Petitioner

And

$ The State of Andhra Pradesh, Rep. by its Principal Secretary and others.

…Respondents

! Counsel for the Petitioner (s) : Sudhakar Rao Ambati

^ Counsel for Respondent(s) : G.P. for Registration and Stamps

<GIST:

>HEAD NOTE:

? Cases referred: