

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 40 OF 2015

Dadarao Purushottamrao Adamane

-vs-

The State of Maharashtra, thr. its Secretary Law and Judiciary Department and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.C.Chande, counsel for the petitioner.
Mr. N. R. Rode, A.G.P for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 08.10.2015.

By this petition, the petitioner impugns the communication/order, dated 29/10/2013 as also the communication/order, dated 17/02/2014 informing the petitioner that the petitioner is not eligible to be appointed as a Notary for Taluka Malegaon and Taluka Washim.

The petitioner is a practicing Advocate and had applied for being appointed as a Notary for Washim Taluka and Malegaon Taluka. The application of the petitioner for Washim Taluka was rejected on the ground that the petitioner was not a permanent resident of Washim Taluka. The application of the petitioner for Malegaon Taluka was considered by the respondents and the same was rejected, as there was a non-compliance of the provisions of Rule 4(3)(b) of the Notaries Rules, 1956, inasmuch as the petitioner had not tendered the signature of the Manager of the Nationalized Bank. Since the applications of the petitioner were rejected in view of Rules 4(3)(b) and 7(3)(a) of the Notaries Rules, 1956, the petitioner has filed the instant petition.

On hearing the learned counsel for the parties and on a perusal of the Notaries Rules, 1956, it appears that the respondents were not at fault in rejecting the applications of the petitioner for appointment as a Notary for Washim Taluka and Malegaon Taluka.

As per Rule 7(3)(a) of the Notaries Rules, 1956, the competent authority is duty bound to consider whether the applicant ordinarily resides in the area in which he proposes to practise as a Notary. Admittedly, the petitioner was residing in Malegaon Taluka and the petitioner could not have applied for Washim Taluka. The petitioner's application for appointment as a Notary for Washim Taluka was rightly rejected in view of Rule 7(3)(a) of the Notaries Rules. There is no infirmity in the rejection of the application of the petitioner for Malegaon Taluka, as the memorial of the applicant i.e. sought to be presented to the authority concerned was required to be signed by a Manager of a Nationalized Bank and in the case of the petitioner, the same was not signed by the Manager of the Nationalized Bank and hence, the provisions of Rule 4(3)(b) were not complied with. The respondents, therefore, rightly rejected the application of the petitioner for appointment as a Notary for Malegaon Taluka also.

Since we do not find any fault to the orders passed by the respondents, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE