

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.08.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.15572 of 2015

and

M.P.No.1 of 2015

P.Venkatramanan

.. Petitioner

Vs

The Secretary to Government,
Law (ADMN) Department,
Secretariat, Chepauk,
Chennai-9.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records of the respondent in impugned order dated 23.4.2015 in G.O.Ms.No.154 passed by the respondent and quash the same.

For Petitioner .. Mr.S.R.Rajagopal

For Respondent .. Mr.RAS.Senthilvel,
Addl. Govt. Pleader

ORDER

The petitioner is a practising lawyer and he was appointed as a Notary in Pudukkottai District for a period of five years, which was renewed from time to time.

2.On the allegation that the petitioner has notarised an affidavit without proper signature, an enquiry was conducted and in the enquiry, it was found that he was careless. Accordingly, the certificate of practice issued to him was cancelled. A challenge was made to the said order before this Court in W.P.No.29594 of 2014. On 13.03.2015, this Court was pleased to pass the following order:

"9.In the light of the above, while declining to interfere with the finding rendered by the first respondent in the impugned proceedings and upholding the impugned order, this Court is inclined to interfere only with that portion imposing the major penalty of cancellation of certificate as per Rule 13(12)(b)(i). Only to that extent,

the impugned order is set aside and the matter is remanded back to the respondent for fresh consideration to consider as to whether the allegations which have been proved in the instant case warrants action either under 13(12)(b)(i) or (ii) or (iii). The respondent is directed to consider the quantum of punishment to be imposed on the petitioner in terms of the above said provision within three months from the date of receipt of a copy of this order.

10. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed."

3. On a reconsideration on the question of quantum of punishment, the petitioner was issued with suspension of certificate of practice for a period of two years commencing from 28.10.2014. Challenging the same, the present writ petition has been filed.

4. As rightly submitted by the learned counsel for the petitioner, in view of the earlier order passed by this Court, merits cannot be gone into. The learned counsel has placed reliance upon the observation made by this Court on the earlier occasion that there was no complaint whatsoever against the petitioner. He has also submitted that the punishment is harsh and the petitioner had suffered the same for nine months so far.

5. Considering the facts and circumstances and taking note of the particular fact that it is a case of negligence, this Court is inclined to modify the punishment imposed. Accordingly, the period of suspension commencing from 28.10.2014 is modified to the effect that it would operate only till 31.12.2015. It is made clear that if the petitioner indulges in any such activities in future, the past conduct of the petitioner has to be taken note of while imposing punishment. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

6. After disposal of the writ petition, learned counsel for the petitioner submitted that the period of Certificate of Practice got expired on 31.05.2015. In such view of the matter, the petitioner is at liberty to file an application for renewal, which can be considered on merits without being influenced by the earlier order passed, starting from 01.01.2016 onwards.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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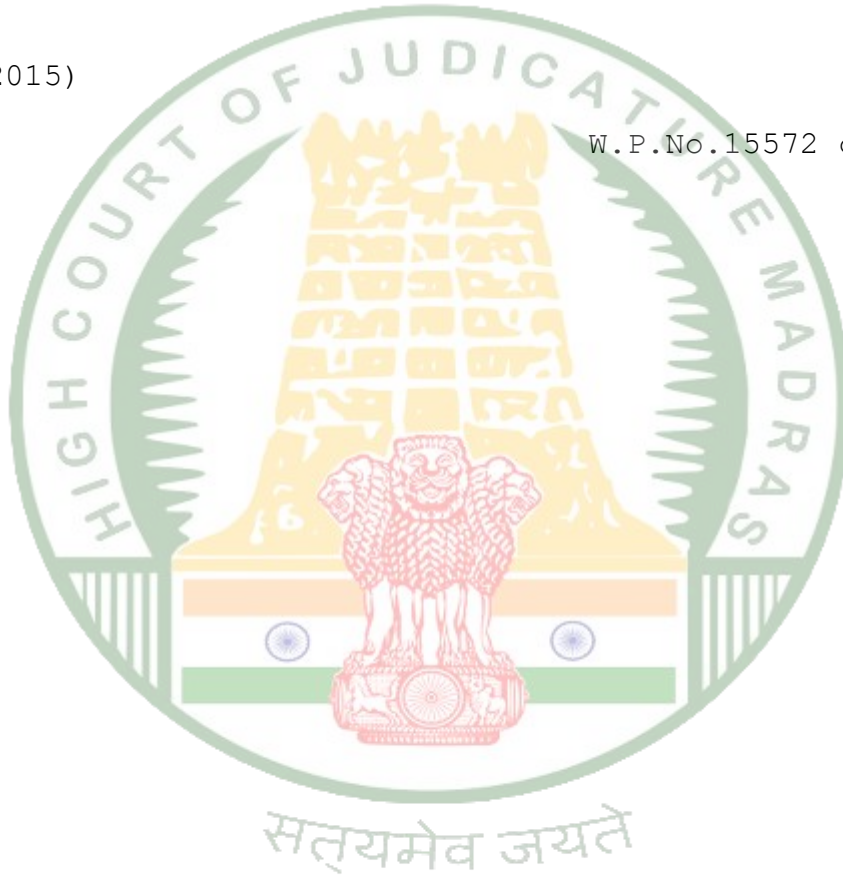
To

The Secretary to Government,
Law (ADMN) Department,
Secretariat, Chepauk,
Chennai-9.

+1cc to M/s. S.R. Rajagopal, Advocate, S.R.No.41539, 41905
+2ccs to the Government Pleader, S.R.No.41588

PPA (CO)
EU (25/08/2015)

W.P.No.15572 of 2015



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