

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.34656 of 2014

R.Suguna Devi

.. Petitioner

Vs.

1.The Chief Secretary,
Government of Tamil Nadu,
Fort St., George, Chennai - 600 009.

2.The Secretary to Govt., of Tamil Nadu,
Law Department, (Administration)
Fort St., George, Chennai - 600 009.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari Mandamus to call for the records relating to the order passed by the second respondent in G.O.Ms.No.12, Law (Administration) Department, dated 25.01.2008, to quash the same and consequently, directing the respondents to renew the Notary Certificate of practice of the petitioner.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondents : Mr.R.Vijayakumar AGP

ORDER

By consent of the learned counsels on either side, the writ petition is taken up for final disposal.

2.Heard Mr.T.Sivagnanasambandan, learned Counsel assisted by Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents.

3. The Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the Government Order in G.O.Ms.No.12, Law (Administration) Department, passed by the second respondent, dated 25.01.2008, and consequently direct the respondents to renew the Notary Certificate of practice of the petitioner.

4.The petitioner has challenged G.O.Ms.No.12, Law (Administration) Department, by which the petitioner's application for renewal of Certificate of practising as a Notary Public has been rejected on the ground that it has been made after a delay of 676 days, after the expiry of the Certificate of practice.

5. The petitioner would state that the delay which has occurred is neither wilful nor wanton, but on account of certain genuine reasons.

6. It is seen that while applying for renewal, the petitioner did not file an application and therefore, the order impugned in this Writ Petition cannot be faulted. However, now the petitioner has filed a fresh application, dated 08.02.2008, setting out certain reasons for the delay. In my view one more opportunity shall be granted to the petitioner, more particularly when certificate of practise was issued to her on 20.11.2000 and she has been functioning as a Notary Public all these years without any complaint.

7. In the light of the above, the Writ Petition is allowed and the impugned order is set aside and liberty is granted to the petitioner to file a fresh application along with copy of this order and also a petition to condone the delay of 676 days clearly setting out the reasons for the delay. On filing such an application, the second respondent shall consider the same and pass orders on merits and in accordance with law within a period of eight weeks from the date on which the petitioner files an application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar.

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Sub Asst. Registrar.

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To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St., George, Chennai - 600 009.
- 2.The Secretary to Govt., of Tamil Nadu,
Law Department, (Administration)
Fort St., George, Chennai - 600 009.

CC to Mr.T.Sivagnanasambandan, Advocate, Sr.No.6416.

W.P. No.34656 of 2014

GJ(CO)
KP(24.02.2015)



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