

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 28830 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the order issued by the first respondent in G.O.Ms.No.1440 Revenue (Regn.II) Department dated 21.12.2010 removing the name of the petitioner from the Register of Notaries of Adilabad District in Zone-V without issuing notice, as illegal, arbitrary, contrary to law and violation of principles of natural justice; and consequently set-aside the said order and direct the respondents to renew and restore the certificate of practice of the petitioner as notary.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioner was initially appointed as Notary vide G.O.Ms.No.1199 Revenue (Reg.II) Department dated 03.12.1994 for a period of three years. The petitioner filed an application seeking renewal of the certificate of practice for a further period of three years. On that, the second respondent directed the petitioner to pay Rs.100/- towards renewal fee and to submit the original certificate of practice. Accordingly, the petitioner complied with the same vide letter dated 11.09.1997 by enclosing challan No.1422 dated 30.08.1997 and original certificate of practice. Since no renewal was granted, the petitioner again filed applications on 20.11.2000 and 21.04.2004. While things stood thus, the first respondent issued G.O.Ms.No.1440 dated 21.12.2010 removing the name of the petitioner from the Register of Notaries of Adilabad District in Zone-V on the ground that the petitioner

has not sought for the renewal. Challenging the same, the present writ petition came to be filed.

Learned counsel for the petitioner submits that though the request for renewal was made within time, but without considering the same the impugned order came to be passed. Having regard to the said circumstances, the counsel for the petitioner submits that writ petitioner may be directed to make a fresh application before the present Government, in which event, it may be dealt with in accordance with law. The Government Pleader for Revenue submits that, if fresh application is made, the Government shall enquire into the allegations made against the petitioner and also take into consideration the material collected against the petitioner.

Without going into the merits of the case and having regard to the circumstances stated above, the writ petition is disposed of directing the petitioner to make a fresh application seeking appointment as notary before the appropriate authority, in which event the same shall be dealt with in accordance with law, at the earliest. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

25.08.2015
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