

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3362 of 2014

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S.M. Obaidullah Son of S.M. Zaquallah Resident of National Chauk, Post Office
Lalbagh, Police Station Lalbagh, District Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Secretary, Department Of Law, Government of Bihar, Patna
2. The Secretary, Department Of Law, Government of Bihar, Patna
3. The Joint Secretary, Department Of Law, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemaned Pd. Singh
Mr. Jawed Gaffar Khan

For the Respondent/s : Mr. Subhash Chandra Mishra, S.C.-16
Mr. Pramod Kumar Singh, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 09-09-2016

Heard the counsel for the petitioner and the State.

The petitioner was practicing as an advocate at Darbhanga, Civil Court. On application filed by him and the requisite fee deposited, he was appointed as a Notary and enrolled as such in the year 1996. It is the stand of the petitioner that on expiry of the term of the certificate to practice as Notary, he had been deposited the renewal fee from time to time. In 2010, for the first time, a notice was issued to the petitioner that there has been default in submitting the renewal fee and other details. Subsequently, two more notices were issued. The petitioner replied thereto enclosing therewith the certificate issued by the Treasury Officer, Darbhanga (Annexure-21)

as well as other documents to show that actually the petitioner had been depositing the renewal fee from time to time. In the circumstances, the respondent struck out his name from the said register vide a Government notification dated 05.11.2012. Even the review filed thereagainst by the petitioner was rejected.

Mr. Singh has made diverse submissions including that there is adequate power conferred on the authority under the amended Notaries Rules 1956 (for short "The Rules") to extend the period for submission of the renewal fee. It has also been urged that no reason order was passed dealing with the contention of the petitioner made through the application (Annexure-11).

The counsel for the State, however, supported the impugned notification and contends that the petitioner defaulted in deposit of the renewal fee within time as also the return. However, there is no denial of the fact that anyone who has been removed from the register of notary can apply afresh for consideration of his enlistment in the register and grant of fresh certificate of practice as Notary. The matter pertains to the year 1999 onwards. The Court in such view of the matter would not delve into the submissions/counter submissions of the parties. The petitioner can always make an application afresh for consideration of his enrollment as Notary under the Rules.

In these factual background, the writ application stands

disposed of permitting the petitioner to apply afresh for his enrolment as Notary along with all requisites. If any such application is filed, the same shall receive due consideration of the respondents-State without being prejudiced in any manner by the previous order/notification(s) issued by the respondents-State removing his name from the register of the Notary maintained under the Act. It is expected that the concerned respondent shall dispose of the same expeditiously.

(Kishore Kumar Mandal, J)

rohit/-

AFR/NAFR	NAFR
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