

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.40844 of 2015

and

M.P.No.1 of 2015

C.Gunasekaran ... Petitioner

Vs.

The Secretary,
Ministry of Law and Justice,
Department of Legal Affairs (Notary Cell),
4th floor, Shastri Bhavan,
New Delhi. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's application dated 26.02.2015 for issuance of renewal certificate as notary to the petitioner within the stipulated time fixed by this court.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.Su.Srinivasan,
C.G.S.C

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the respondent to consider the application of the petitioner dated 26.02.2015 for issuance of renewal certificate as notary to the petitioner.

3. The petitioner is a practicing advocate having extensive practice before the District Court and other Subordinate Courts at Krishnagiri. The petitioner has enrolled before the Bar Council of Tamilnadu in the year 1986 with registration No.M.S.25/86. In the year 2010, the

petitioner gave an application before the respondent for appointment as Notary Public in and throughout Uthangarai, Krishnagiri District. The Principal District Judge, being a competent authority, recommended the petitioner's name for being designated as Notary Public in the said area. The petitioner has attended the interview and appointed as a notary for a period of 5 years with effect from 28.07.2010. Thereafter, the petitioner was discharging his duties as Notary Public in the designated area in accordance with the rules and regulations. The petitioner was required to renew the certificate of practice as a notary for a further period of 5 years with effect from 29.06.2010 and the petitioner submitted an application for renewal along with the prescribed fee on 26.02.2015. As per the provisions of the Notaries Act 1952, he has to apply for renewal before six months from the date of expiry period (i.e.) 28.01.2015. For renewal, as per old rule 8(b), the petitioner ought to have applied within three months before the period of expiry. But, by virtue of subsequent amendment made on 04.03.2014, under 8(B), the petitioner ought to have applied within a period of 6 months before the date of expiry. However, the petitioner has applied for the same with a delay of 30 days, due to his illness. The petitioner has also enclosed all the documents including the medical certificate. Even after lapse of 10 months, his representation dated 26.02.2015 has not been considered till date. Hence, he has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned Central Government Standing Counsel appearing for the respondent.

5. Considering the facts and circumstances, without going into the merits of the claim of the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 26.02.2015 and pass an appropriate order, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. It is for the respondent to decide the issue purely on merits.

6. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

mrp

Sd/-
Asst.Registrar

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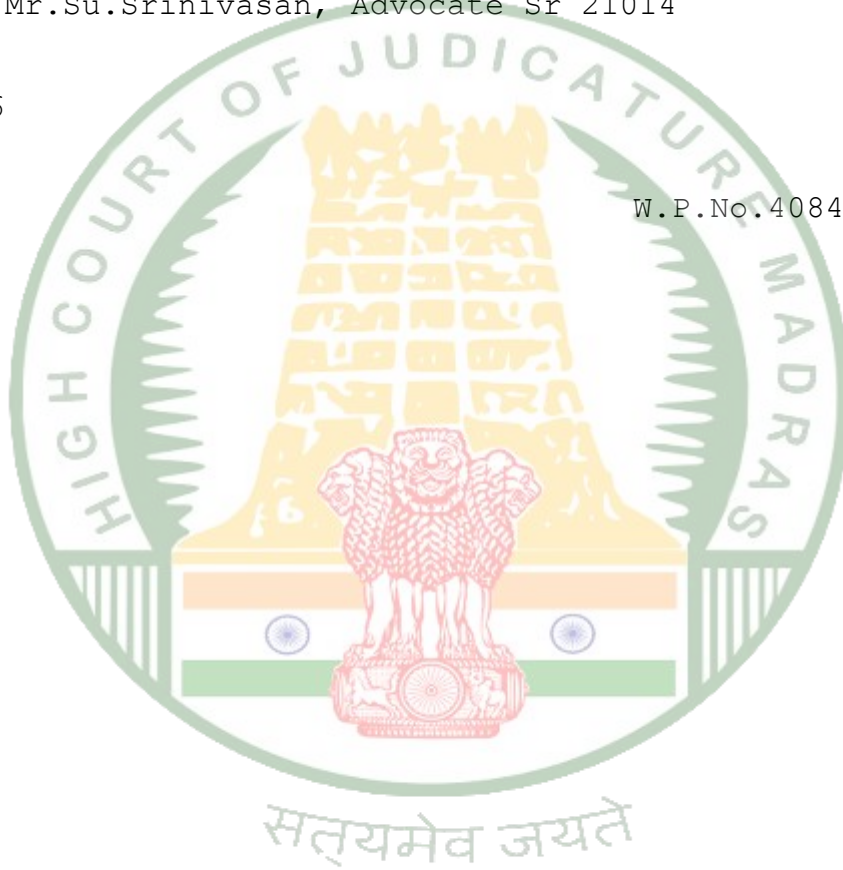
The Secretary,
Ministry of Law and Justice,
Department of Legal Affairs (Notary Cell),
4th floor, Shastri Bhavan,
New Delhi.

+ 1 cc to Mr.N.Umapathi, Advocate Sr 20844

+ 1 cc to Mr.Su.Srinivasan, Advocate Sr 21014

KR/20/4/16

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