

IIIN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.39535 of 2015

BETWEEN

Bhima Leela Krishna

... PETITIONER

AND

Union of India, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 20.01.2016

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ORDER:-

Petitioner was granted a Certificate as a notary public on 04.11.2015 valid upto 10.05.2005, which was once renewed in the year 2010 and was due to expire on 10.05.2015. Petitioner made an application seeking renewal on 13.03.2015. On receipt thereof respondent No.2 sent a Communication F.No.5(35)/2005-NC dated 21.05.2015 pointing out that petitioner's application is delayed by 122 days and requested the petitioner to explain the delay with supporting documents. Petitioner states that accordingly he submitted an affidavit dated 12.06.2015 and medical certificate dated 10.06.2015 under a covering letter Ex.P5 dated 12.06.2015 to respondent No.2. However, it appears that without noticing the said documents filed by the petitioner, under the impugned order dated 04.11.2015 Ex.P1 the renewal

requested by the petitioner was rejected on the ground that petitioner has not sought renewal before six months of expiry of earlier permission. The said rejection order is questioned in the writ petition.

2. Heard learned counsel for the petitioner and learned Assistant Solicitor General, who was already granted time twice to get instructions.

3. Apparently, petitioner has complied with the directions of respondent No.2 on 21.05.2015, referred to above, and sent the affidavit and the medical certificate along with the covering letter dated 12.06.2015. However, the same appears to have not been noticed by respondent No.2 while passing the impugned order and accordingly the impugned order came to be passed as if the petitioner has applied for renewal beyond the period prescribed. In my view, there appears to be a factual mistake in not noticing the request for condonation of delay together with the documents, referred to above, sent by the petitioner on 12.06.2015.

4. In view of that, it is appropriate that the matter requires fresh consideration by respondent No.2 and accordingly the impugned order is set aside. The entire issue regarding renewal of petitioner's licence as a notary public shall stand remitted to respondent No.2, who shall examine the petitioner's application together with his subsequent correspondence and then consider and pass appropriate orders in accordance with law expeditiously preferably within two months.

With the above direction, writ petition is disposed of.

As a sequel the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 20, 2016
LMV