

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.12422 of 2011

ORDER:

The order, impugned in the Writ Petition, was issued in terms of G.O.Ms.No.1441 dated 21.12.2010 whereby the names of persons mentioned in the notification were removed as Notaries of Karimnagar District in Zone-V on the ground that they had not sought renewal of their certificate of practice after its expiry.

In the writ affidavit the petitioner asserts that, even before expiry of the certificate, he had made an application dated 02.07.2002 for renewal of his certificate of practice along with a challan, duly enclosing the earlier certificates and challan; pursuant to his renewal application, the second respondent had, vide Memo No.NR/14771/02 dated 08.07.2002, directed the third respondent to inspect the records maintained by the petitioner upto date, and submit the inspection report from 1999 to 2002; a copy of the said letter was sent to the petitioner; he had, thereafter, submitted the Notarial records of the years 1999 to 2002 for the purpose of inspection, vide letter dated 18.07.2002, to the third respondent; the aspect of renewal of the certificate of practice was pending with the authorities; in reply to the Memo dated 08.07.2002 issued by the second respondent, the petitioner had submitted a detailed explanation on 09.08.2010 duly enclosing all material papers; and the first respondent had straightaway issued G.O.Ms.No.1441 dated 21.12.2010 removing his name, without causing an independent enquiry into the matter.

No counter-affidavit has been filed by the respondents though more than 6½ years have elapsed since the Writ Petition

was admitted. The petitioner's assertion that he had submitted an application, for renewal of his certificate of practice, stands un rebutted. In such circumstances, removal of his name as a Notary is evidently illegal. The impugned G.O, to the extent the petitioner's name is concerned, is therefore set aside. The renewal application submitted by the petitioner shall be considered on its merits, and in accordance with law. Needless to state that, in case the petitioner is found to have violated the provisions of the Notaries Act, 1952, this order shall not disable the respondents from taking action in accordance with law after putting him on notice and after giving him an opportunity of being heard.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:19.01.2018.
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