

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.2844 of 2017
Date of Decision:25.07.2018

Suresh Chand Sharma

..... Petitioner

Vs.

Union of India and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.G.S. Jagpal, Advocate,
for the petitioner.

Mr.Karan Singh, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 29.3.2016 passed by respondent No.2 by which his application for renewal of his certificate to practice as Notary has been rejected.

In brief, the petitioner, a practicing advocate at Civil Courts Complex, Sangrur, District Patiala, was issued a certificate by the respondents to practice as Notary on 7.3.2000 for a period of 5 years under the Notaries Act, 1952 [for short 'the Act']. The said certificate was renewed from 2005 to 2010 and 2010 to 2015. The petitioner applied for renewal of his Notary Licence No.1598 in File No.5(353)/99-NC on 9.3.2015 with a draft No.028761 of ₹1000/-. It is alleged that there was no response to his application, therefore, the petitioner sent a reminder on

29.3.2016 and received the impugned order dated 29.3.2016 against which he made a representation and has ultimately filed this petition.

Learned counsel for the petitioner has submitted that the petitioner could not apply for the renewal of his Notary certificate within the stipulated time as prescribed under Rule 8B of the Notaries Rules, 1956, read with the Notaries (Amendment) Rules, 2014 [for short 'the Rules'] because his wife had suffered brain haemorrhage in June 2014. It is submitted that he should have been given an opportunity to explain the delay.

On the other hand, learned counsel for the respondents has submitted that as per Rule 8B of the Rules, the application should have been filed six months before the expiry of validity. It is not denied that the Government may, even after considering the reasons for the delay stated in the application, relax the condition of submission of application before the specific period.

I have heard learned counsel for the parties and perused the record with their able assistance.

The renewal of the certificate of Notary is governed by Rule 8B of the Rules, which is reproduced as under: -

“8B. Renewal of Certificate of Practice--

The Certificate of Practice issued under sub-rule (4) of rule 8 may be renewed for a further period of five years on payment of prescribed fee. An application for renewal of Certificate of Practice shall be submitted

to the appropriate Government before six months from the date of expiry of its period of validity.

Provided that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the above specific period.”

Rule 8B of the Rules has been thoroughly discussed in a decision rendered by this Court in *CWP No.16603 of 2016* titled as “**Neeraj Kumar Maheshsari Vs. Union of India and another**” decided on 02.08.2017 wherein the decisions taken by Courts were also considered. In the said case, it has been decided that in case of a delay, for the purpose of taking advantage of the proviso to Rule 8B of the Rules, the applicant has to mention specific reasons in the application at the time of applying for renewal and not subsequently. Since, the petitioner did not file such an application, therefore, I do not find any fault on the part of the respondents in rejecting his application which is patently beyond the period of limitation prescribed and thus, the writ petition is hereby dismissed.

25.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No