

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-1135-2019 (O&M)
Date of Decision:06.02.2019**

Swaranjit Singh

... Petitioner

Versus

Union of India & another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. C.M. Munjal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks a mandamus directing the respondents to renew a 'Certificate of Practice' of the petitioner as a Notary.

Brief facts pleaded are that the petitioner was appointed as a Notary under the Notaries Act, 1952 for a period of 5 years on 09.01.2002. The 'Certificate of Practice' as Notary was thereafter renewed from time to time and expired on 08.01.2017.

Case projected on behalf of the petitioner is that he could not apply for renewal of license within a stipulated time frame for the reason that his wife Smt. Kuljeet Kaur was suffering from cancer and was under treatment at Guru Gobind Singh Medical College and Hospital, Faridkot.

An application for renewal along with relevant documents explaining delay of submission of the same was made on 07.03.2017 (Annexure P-4).

The short grievance raised in the instant petition is that till date no final decision on the application seeking renewal has been taken.

Rule 8-B of the Notaries Rules, 1956 reads in the following terms:

“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 three 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 specified period.”

Perusal of the afore reproduced provision prescribes a time frame within which an application for renewal of the 'Certificate of Practice' as a Notary has to be made. However, under the proviso to the Rule, the Appropriate Government has been granted the power and discretion to relax the time frame of submission of application for renewal after considering the reasons assigned by the applicant in the application.

In the considered view of this Court, the concerned/Competent Authority ought to take a final decision on the application dated 07.03.2017 (Annexure P-4) submitted by the petitioner seeking renewal of his 'Certificate of Practice' as a Notary.

In view of the above and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the instant writ petition at the very threshold with a direction to respondent No.1 to examine the application dated 07.03.2017 (Annexure P-4) and to take a decision thereupon expeditiously and in any case within a period of two months from the date of receipt of a certified copy of this

order.

It is, however, clarified that this Court has not opined on the merits of the case.

Disposed of.

06.02.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |