

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-11946-2019 (O&M)
Date of Decision: 22.07.2019

Surjeet Singh Mehta

--Petitioner

Versus

Union of India & another

--Respondents

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

Present:- Mr. H.N. Sahu, 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 in the year 1983. The 'Certificate of Practice' as Notary was thereafter renewed from time to time. Placed on record at Annexure P-2 is a communication dated 28.3.2012 issued by the Govt. of India, Ministry of Law and Justice, Department of Legal Affairs, whereby the 'Certificate of Practice' of the petitioner as a Notary stood renewed for a further period of five years w.e.f. 19.12.2011.

Counsel would submit that an application for renewal of the 'Certificate of Practice' was submitted on 20.7.2016 (Annexure P-3) but till date no final decision on such application seeking renewal has been taken.

Notice of motion.

Mr. Somesh Gupta, Advocate, who is present in Court, accepts notice on behalf of respondents no.1 and 2 and waives service. A complete copy of the writ paper book already stands furnished to him.

In view of the order that I intend to pass, there would be no requirement of seeking a written response to the writ petition.

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.

Case projected on behalf of the petitioner is that there was a delay of approximately 30 days in having submitted the application seeking renewal of the license for the reason that he was suffering from a heart ailment and was undergoing treatment at P.G.I.M.E.R, Chandigarh. As per counsel, the application seeking renewal was submitted with the necessary documents explaining the delay.

In the considered view of this Court, the concerned/Competent Authority ought to take a final decision on the application dated 20.7.2016 (Annexure P-3) 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.2/competent authority to examine the application dated 20.7.2016 (Annexure P-3) and to take a decision thereupon expeditiously and in any case within a period of three 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.

(TEJINDER SINGH DHINDSA)
JUDGE

22.07.2019
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No