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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No.19611 of 2021

V. Karunanithy

.. Petitioner

Versus

1. The Union of India

Rep. by Secretary to Government
Secretary to Ministry of Law and Justice
4th Floor - A - Wing
Shastri Bhavan
New Delhi - 100 001

2. State of Tamil Nadu

Rep by Secretary to Law Department
Secretariat, Fort St. George
Chennai - 600 009

3. Deputy Secretary to the Government

Law (Admn) Department
Secretariat
Chennai 600 009

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the communication of the 3rd respondent in Letter No.11620/Admn/2021-1 dated 16.06.2021, quash the same and consequently direct the respondents 2 and 3 to consider petitioner's application for renewal and issue certificate of practice for further period of 5 years, up to 11.10.2026

For Petitioner : Mr. G. Rajagopalan, Senior Counsel
for M/s. G.R. Associates for Petitioner

For Respondents : Mrs. V. Sudha
Central Government Standing Counsel for R1





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amendment brought in to the Rules with effect from 06.11.2019, the power for relaxing the delay has been taken away and therefore, the petitioner is left no other statutory remedy except to file this writ petition. It is stated by the learned counsel for the petitioner that the petitioner made all out efforts to submit the application on-line but such attempts have been futile. In any event, the application could not be submitted in person due to the lock down imposed by the State Government to arrest the spread of the Covid-19 pandemic. While so, the learned counsel for the petitioner prayed for condoning the delay in submitting the application for renewal of Certificate of Practice and to direct the respondents to renew the Certificate of Practice to the petitioner for further period.

4. On the above contention of the learned counsel for the petitioner, this Court heard the submissions made by the learned Central Government Standing Counsel for the first respondent and perused the material records placed.

5. It is apparent that the petitioner is a holder of Certificate of Practice to discharge the duties of a Notary. At the first instance, the petitioner was issued with such a certificate on 11.10.2001, which was periodically renewed until 11.10.2021. As per the Notary Rules, for the purpose of further renewal of Certificate of Practice, an application ought to have been submitted by the petitioner on or before 10.04.2021, but in the instant case, such an application has been submitted on 02.06.2021. It is stated in paragraph No. 6 of the affidavit filed in support of the writ petition, the petitioner has made attempts to submit the application on-line on 06.04.2021, 09.04.2021 and 20.04.2021, but due to technical glitch, he could not succeed in submitting the application for renewal. It is also stated that the petitioner could not submit the application for renewal in person due to the lock down imposed by the Government to curb the spread of Covid-19 Pandemic. Thus, it is evident that the petitioner could not submit the application for renewal in time due to reasons which are beyond his control. The explanation offered by the petitioner for non-submission of application for renewal within six months time has to be accepted. In such view of the matter, by citing the technicalities in uploading the application for renewal, the petitioner cannot be deprived of renewal. The concept of



digitilisation is to ensure speedy and easy access to the schemes of the Government but it should not be put against a person to deprive his or her legitimate right due to technicalities. The validity of the Certificate of Practice issued to the petitioner is in currency and it expires only on 11.10.2021. While so, the delay in submission of the application for renewal cannot be put against the petitioner in the given facts and circumstances of the case. Therefore, this Court is of the considered view that exercising the jurisdiction conferred under Article 226 of The Constitution is desirable in the present case. Accordingly, this Writ Petition is disposed of with the following direction

(i) The petitioner is directed to submit a fresh application in proper format within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such application, the second respondent is directed to entertain the application for renewal without raising any issue relating to limitation, consider the same and pass appropriate orders for renewal of Certificate of Practice, within a period of four weeks thereafter.

(iii) No costs.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1. Secretary to Government
The Union of India
Secretary to Ministry of Law and Justice
4th Floor - A - Wing
Shastri Bhavan
New Delhi - 100 001
2. The Secretary to Law Department
Secretariat, Fort St. George
Chennai - 600 009



3. Deputy Secretary to the Government
Law (Admn) Department
Secretariat
Chennai 600 009

+1CC to M/s.V.Sudha, Advocate, SR.No. 47034

+1CC to M/s.G.R.Associations, Advocate, SR.No. 47280

WP No. 19611 of 2021

SV I(CO)

B.VC (13/10/2021)