



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.9293 of 2020

A.Paul Melkiur : Petitioner

Vs.

1.The Law Secretary,
Ministry of Law and Justice,
Government of India,
Shastri Bhavan, 4th Floor, 'A' Wing,
Dr.Rajendra Prasad Road, New Delhi-110 001.

2.The Deputy Legal Adviser 7 CA,
Ministry of Law and Justice,
Government of India,
Shastri Bhavan, 4th Floor, 'A' Wing,
Dr.Rajendra Prasad Road, New Delhi-110 001.: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of 2nd Respondent in F.No.N-12012/3-2016-NC dated 27-02-2020 quash the same and consequently directing the respondents herein to grant extension of area of Notary to the petitioner in Ramanathapuram District within a reasonable time as may be fixed by this Honourable Court.

For Petitioner :Mr.Srinivasa Raghavan

For Respondents :Mr.V.Malaiyendiran
Central Government Standing Counsel

ORDER

Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.

2.The petitioner is an advocate by profession. He got enrolled in the year 2000. He becoming Notary Public in the year 2015. His practice is in Devakottai Taluk in Sivagangai District. The petitioner has applied to the respondent for extending his area of practice to the neighbouring Ramanathapuram District. The petitioner's request was rejected by the impugned order, dated 27.02.2020. Questioning the same, the present Writ Petition came to be filed.



3.The learned Counsel for the petitioner reiterated the contentions set out in the affidavit filed in support of this Writ Petition and wanted this Court to quash the impugned order and allow this Writ Petition.

4.Per contra, the learned Counsel for the respondents took me through the averments set out in the counter affidavit filed before this Court.

5.I have carefully considered and went through the materials on record. Rule-8A of the Notaries Act, 1952, empowers a Notary Public to apply for extension of area of practice. Of-course, it is open to the authority to pass orders, as it deems fit. The petitioner made it clear through his Counsel that he is not seeking extension of area of practice to the entire neighbouring district. He would confine his extension only to old Thiruvadanai Taluk in Ramanathapuram District.

6.I want to know from the respondents as to how many Notaries are presently practicing in old Thiruvadanai Taluk (now bifurcated into Thiruvadanai and R.S.Mangalam). The learned Counsel for the respondents admitted that as of now, there is only one Notary Public practicing in the old Thiruvadanai Taluk. Subsequently, he would further submit that it is not the practice to permit extension of area of practice from one district to another district. This contention may have to be rejected, because in the statutory Rule, there is no restriction as such. Therefore, the petitioner's request for extension of practice to the neighbouring Taluk situated in another district cannot be negatived by citing any past practice.

7.It is seen that the respondents have not taken note of the actual number of Notaries practicing in old Thiruvadanai Taluk. I am clearly of the view that the second respondent has not taken note of the fact that the petitioner's request is only in respect of neighbouring Taluk situated in the other district. Therefore, the impugned order is quashed and the Writ Petition is allowed and the matter is remitted to the file of the second respondent to pass fresh orders in accordance with law. The second respondent shall bear in mind that the petitioner is very much entitled to seek extension of area of practicing even to the neighbouring district and also taking note of the fact that the request is confined to seeking extension to the old Thiruvadanai Taluk and not the entire Ramanathapuram district. The fact that there is only one Notary Public practicing in old Thiruvadanai Taluk will also be considered. A fresh order will be passed within a period of twelve weeks from the date of receipt of a copy of this order.



8. Accordingly, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Law Secretary,
Ministry of Law and Justice,
Government of India,
Shastri Bhavan, 4th Floor, 'A' Wing,
Dr. Rajendra Prasad Road, New Delhi-110 001.

2. The Deputy Legal Adviser 7 CA,
Ministry of Law and Justice,
Government of India,
Shastri Bhavan, 4th Floor, 'A' Wing,
Dr. Rajendra Prasad Road, New Delhi-110 001

+1 CC to M/s. S. SRINIVASA RAGHAVAN, Advocate (SR-1751[F] dated
22/01/2021)

W.P. (MD) No. 9293 of 2020
21.01.2021

ES (CO)

KB (09.02.2021) 3P 4C