



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.15589 of 2021

R.Manimaran

... Petitioner

Vs.

1.The Additional Chief Secretary to Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 600 009.

2.The Secretary to Government of Tamil Nadu,
Law Department,
St.George Fort,
Chennai - 600 009.

3.The Deputy Secretary to Government of Tamil Nadu,
Law (Admin) Department,
Secretariat, St.George Fort,
Chennai - 600 009.

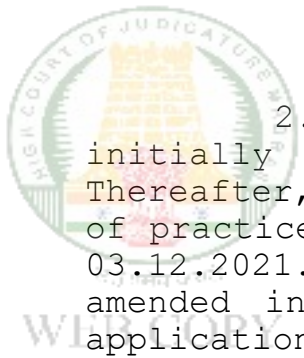
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pursuant to the proceedings of the third respondent in Letter No.12913/Admn/2021-1, dated 22.07.2021 and quash the same and consequently directing the second respondent to issue the petitioner the Notary renewed certificate in accordance with law, by considering his Notary renewal application dated 08.07.2021.

For Petitioner : Mr.M.Solaisamy
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner challenges an order of the third respondent dated 22.07.2021 and also seeks a direction to the second respondent to pass orders for the renewal of his Certificate of Practice as a Notary.



2. The petitioner states that he was appointed as a Notary initially by G.O.Ms.No.326 Law Department dated 04.12.2001. Thereafter, he applied for and obtained a renewal of the certificate of practice every five years. The last renewal is said to expire on 03.12.2021. The petitioner states that the Notary Rules 1956 were amended in 2019. By such amendment, Rule 8(B) provided that an application for renewal should be submitted online to the appropriate Government six (6) months before the date of expiry of such certificate of practice. The petitioner submitted his application through the offline mode on 08.07.2021. But the same was rejected and returned by the third respondent by impugned proceedings dated 22.07.2021 to the petitioner stating that the application should be submitted only through the online mode. Thereafter, the petitioner sent renewal applications to the respondents. The present Writ Petition is filed in these facts and circumstances.

3. The petitioner relies upon the orders passed by the Honourable Supreme Court in the *suo motu* proceedings relating to the extension of limitation period. In particular, the order dated 27.04.2021 is relied upon. The petitioner states that the period of limitation in his case would stand automatically extended by virtue of the aforesaid order.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the second respondent may be directed to consider and dispose of the petitioner's application on merits.

5.The documents on record include the original certificate of practice dated 04.12.2001 and the renewals thereof. The petitioner has also produced the application submitted through the offline mode on 08.07.2021. In such circumstances, the petitioner has made out a case for the re-consideration of his application provided he submits the same online by also taking into account the order issued by the Honourable Supreme Court dated 27.04.2021. On this issue, it should be noted that the Notaries Rules do not stipulate that a notary loses his right of renewal if the application is not filed within the stipulated period.

6. Accordingly, the second respondent is directed to permit the petitioner to submit an online application for renewal of his certificate of practice within two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to reconsider such application by taking into account the order passed by the Honourable Supreme Court in *Suo motu* Writ Petition Civil No.3 of 2020 dated 23.03.2020 and 27.04.2021. Such application shall be disposed of within a fortnight from the date of receipt of the online application after providing a reasonable opportunity to the petitioner.



7.W.P.(MD).No.15589 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D.II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 600 009.
- 2.The Secretary to Government of Tamil Nadu,
Law Department,
St.George Fort,
Chennai - 600 009.
- 3.The Deputy Secretary to Government of Tamil Nadu,
Law (Admin) Department,
Secretariat, St.George Fort,
Chennai - 600 009.

+1 CC to M/s.SPL.GP (SR-30872[F] dated 01/10/2021)

W.P (MD) No.15589 of 2021
30.09.2021

RD(12.10.2021) 3P 5C