



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15416 of 2021

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S.Ilango

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by its Secretary,
Law (Admin) Department,
Fort St.George, Chennai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pass orders renewing the certificate of practice of the petitioner as a Notary, by considering the petitioner's online application in Application No.APP/EXN/MDU1103/00001, dated 10.03.2021 along with the representation dated 21.07.2021 in light of the order made by the Hon'ble Supreme Court of India in Suo Motu Writ Petition Civil No.3 of 2020, dated 23.03.2020 and 27.04.2021, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates
For Respondent : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks a direction to the 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.68 Law Department dated 06.09.2001. Thereafter, he applied for and obtained a renewal of the certificate of practice every five years. The last renewal is said to expire on 06.09.2021. 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. It is stated that the online portal for purposes of submitting the application for renewal was operationalised only on 10.03.2021. The petitioner submitted the application on the very same date. In response thereto, a confirmation e-mail was received on 11.03.2021 stating



that the application has been approved. In view of the failure of the respondent to dispose of the application thereafter, the present Writ Petition is filed.

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 the sole respondent. He submits that the 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 06.09.2001 and the renewals thereof. The petitioner has also produced the application submitted through the online mode on 10.03.2021 and the acknowledgement of receipt thereof on 11.03.2021. In such circumstances, the petitioner has made out a case for the consideration of his application by also taking into account the order issued by the Honourable Supreme Court dated 27.04.2021.

6.Accordingly, the respondent is directed to consider the petitioner's online application bearing No.APP/EXN/MDU/1103/00001 dated 10.03.2021 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 a copy of this order after providing a reasonable opportunity to the petitioner.

7.W.P.(MD).No.15416 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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

The Secretary,
the State of Tamil Nadu,
Law (Admin) Department,
Fort St.George, Chennai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-27801[F] dated 01/09/2021)

+1 CC to M/s.SPL GP (SR-27769[F] dated 01/09/2021)

W.P (MD) No.15416 of 2021
31.08.2021

PS (CO)
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