



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17805 of 2021

and W.M.P. (MD)No.14681 of 2021

WEB COPY

M.V.Chandrasekaran

... Petitioner

Vs.

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

...Respondent

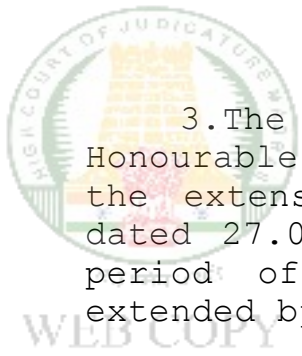
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the respondent pertaining to its letter No.15493/Admn/2021-1, dated 07.09.2021 and quash the same and consequently direct the respondent to renew the certificate of practice by considering the petitioner's application dated 02.09.2021 within time frame that may be fixed by this Court.

For Petitioner	: Mr.S.C.Herold Singh
For Respondent	: Mr.B.Saravanan
	Counsel for State

ORDER

The petitioner challenges an order of the respondent dated 07.09.2021 and also 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.324 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 online mode on 02.09.2021. But the same was rejected and returned by the respondent by impugned proceedings dated 07.09.2021 to the petitioner stating that the application was submitted belatedly. 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.B.Saravanan, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the respondent may be directed to reconsider 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 online mode on 02.09.2021. The main reason cited for the rejection of the petitioner's application is that such application was submitted belatedly. 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. Therefore, the impugned order cannot be sustained. In such circumstances, the petitioner has made out a case for the reconsideration 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 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 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 and the observations contained herein. 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.17805 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD)No.14681 of 2021 is closed.

Sd/-

Assistant Registrar (CS 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 to Government,
Department of Law,
Fort St. George,
Chennai-600 009.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-31081[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31162[F] dated 05/10/2021)

W.P (MD) .No.17805 of 2021
04.10.2021

PS (CO)
SB(21.10.2021) 3P 4C