



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.19696 of 2021

and

W.M.P. (MD) .No.16377 of 2021

WEB COPY

S.Rajasekhar

... Petitioner

Vs.

The Principal Secretary,
Law (ADMN) Department,
Secretariat,
St.George Fort,
Chennai.

... 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 relating to the impugned order passed by the respondent vide Letter No.14366/Admin/2021-1 dated 16.08.2021 and quash the same as illegal and may direct the respondent to renew the period of Notary of petitioner for a further period of 5 years from 11.11.2021.

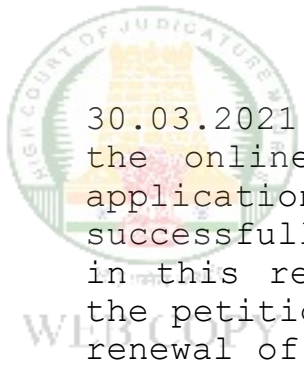
For Petitioner : Mr.K.P.Narayana Kumar

For Respondent : Mr.K.S.Selva Ganesan
Counsel for State.

ORDER

The petitioner challenges an order of the respondent dated 16.08.2021 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 on 11.11.1998. Thereafter, he applied for and obtained a renewal of the certificate of practice every five years. The last renewal is said to be expiring on 10.11.2021. The petitioner states that the Notaries 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 24.03.2021 and he paid a sum of Rs.1,000/- through Bank Challan on 23.03.2021. But the same was returned to the petitioner by communication dated



30.03.2021 with a direction to submit his application only through the online mode. Thereafter, the petitioner sent the renewal application to the respondent through the online mode and it was successfully submitted on 27.04.2021 and he also received a mail in this regard. As there was no response from the respondent, the petitioner once again made an online payment of Rs.1,000/- for renewal of his application on 08.08.2021. But his application was rejected by the respondent by impugned proceedings dated 16.08.2021 stating that the petitioner should have submitted his online application on or before 10.05.2021. 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.K.S.Selva Ganesan, 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 11.11.1998 and the renewals thereof. The petitioner has also produced the application submitted through the offline mode on 24.03.2021. 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 orders issued by the Honourable Supreme Court on 27.04.2021 and 23.09.2021. 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. Therefore, the impugned order is not sustainable and is hereby quashed.

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 orders passed by the Honourable Supreme Court in *Suo motu* Writ Petition Civil No.3 of 2020 dated 23.03.2020, 27.04.2021 and 23.09.2021 and the observations in this order. 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.19696 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.16377 of 2021 is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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 Principal Secretary,
Law (ADMN) Department,
Secretariat,
St.George Fort,
Chennai.

+1 CC to M/s.K.P. NARAYANAKUMAR, Advocate (SR-33623[F] dated 02/11/2021)

**W.P. (MD) .No.19696 of 2021
02.11.2021**

RK/PM(17/11/2021) 3P 3C