

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

10.08.2022
Item No.14
Court No. 01
Aloke

**MAT 37 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2022**

The Deputy Director Legal
Advisor & Competent Authority,
Notary Cell & Anr.

Versus
Sri Ajay Chaudhuri

Mr. Sudipto Kumar Mazumdar, Id. A.S.G,
Mr. Sanjay Mazumdar,
Mr. Ajay Kumar Singhanian
...for the appellants

Mr. Amales Roy,
Mr. Deborshi Dhar,
Mr. Somraj Paul
...for the respondent

In re: CAN 1 of 2022

This is an application under Section 5 of the Limitation Act.

We have considered the averments made in the application and satisfied that the sufficient cause for not filing the appeal within the prescribed period of limitation has been shown. Accordingly, the application is allowed.

By consent of the parties the appeal is taken up for hearing.

This appeal is directed against an order dated 15th

December, 2021 (the impugned order). In the writ petition the writ petitioner has challenged the decision of the appellants dated 16th July, 2021 whereby the writ petitioner's application for renewal of the Certificate of Practice as a notary has been rejected.

By the impugned order the Learned Single Judge has directed the appellants to consider the representation of the petitioner and pass a reasoned order within a period of eight weeks from the date of communication of the order. It is categorically provided for in the impugned order that since the Court has not gone into the merits and correctness of the claim and counter-claim of the parties, the dispute shall be decided in accordance with law and independently by the appellants.

We have heard the parties.

We are of the view that the impugned order merely directs the appellants to consider the representation of the petitioner in accordance with law and give a reasoned decision on the representation. In our view, the Trial Court has rightfully chosen not to exercise its direction and left the claims and counter-claims of the parties to be decided by the Appellate Authorities.

In view of the above, we find no infirmity in the impugned order. Accordingly, the appeal stands dismissed.

However, the time period for the appellants to act in terms of the impugned order and consider and dispose of the representation of the petitioner after giving reasons is extended by a period of eight weeks from date.

With the aforesaid direction, MAT 37 of 2022 stands disposed of.

In view of disposal of the appeal itself, the connected application for stay being CAN 2 of 2022 is also disposed of.

There shall, however, be no order as to costs.

(Bivas Pattanayak, J.)

(Ravi Krishan Kapur, J.)