



W.P.No.27804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27804 of 2022

T.Chandran

.... Petitioner

-Vs-

1.The State of Tamilnadu represented by its
Secretary to Government, Law (Admn)
Department, Secretariat, Chennai-600 009.

2.The Under Secretary to Government, Law (Admn)
Department, Secretariat, Chennai-600 009.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the letter passed by the 2nd respondent in his proceedings in Letter No. 6740/ Admn/2022 -1 dated 28.02.2022 and quash the same consequentially direct the respondents to accept the Notary renewal application of the petitioner dated 1.02.2022 made through offline and renew the notary certificate of the petitioner.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mr.A.Selvendran
Special Government Pleader



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ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records pertaining to the letter passed by the 2nd respondent in his proceedings in Letter No. 6740/ Admn/2022 -1 dated 28.02.2022 and quash the same consequentially direct the respondents to accept the Notary renewal application of the petitioner dated 1.02.2022 made through offline and renew the notary certificate of the petitioner.

2. The petitioner has already been practicing as a Notary Public under the Notaries Act and his period of licence expired on 28.09.2022. Therefore, as per the Notaries Third Amendment Rules, 2019 under Rule 8B, the renewal of certificate of practice could be made on an application to be filed or submitted online in Form XVI to the appropriate Government before six months from the date of expiry of its validity.

3. Pursuant to the amendment made, a web portal to that effect has been opened by the State of Tamil Nadu and that has been published widely in press. However, without noticing the same the petitioner, since his Certificate of Practice was expired on 28.09.2022 , well before the six months period ie., on 01.02.2022 made an offline application and the same having been considered, was rejected



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by the impugned order dated 28.09.2022.

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4. Heard Mr.S.Sathish Rajan learned counsel for the petitioner who would submit that, as per the amended Rules, well before the six months of expiry of Certificate of Practice, an application through offline, of course was made by the petitioner on 01.02.2022 and now pursuant to the impugned order, when the petitioner made an attempt to make the online application, the same was not accepted by the web portal because as on date the six months period to the expiry has already lapsed, the reason being that the rejection order was passed on 28.02.2022 and it was signed by the officer on 01.03.2022. Thereafter only it was dispatched and was received by the petitioner. Therefore, by the time the six months period prior to the expiry since was over, the application attempted by the petitioner to make online was not accepted by the web portal.

5. Heard Mr.A.Selvendran, learned Special Government Pleader who would submit that, in consonance with the amended Rules this facility has been made by opening the web portal to enable those who want to make application only through online mode and therefore since the petitioner has made an offline application, which was against Rule 8B of the amended Rules, on that ground the impugned order has been passed rejecting the plea raised by the petitioner.



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6. I have considered the rival submissions made by the learned counsel for the parties and have perused the materials placed on record.

7. Insofar as the making of an application well before the six months of expiry is concerned, the petitioner had made it in time as his period expired only on 28.09.2022 and he made an application on 01.02.2022. The only issue is that the application was made offline, but not online. After the rejection order, which is impugned herein is passed by the respondents, when an attempt was made by the petitioner to make an application online, that was not accepted because by the time the six months period prior to expiry was over.

8. Therefore, in this case this Court feels that the petitioner can be permitted to either make an online application for which the software ie., the web portal of the respondents can be arranged or otherwise if it not possible, the petitioner's application already submitted through offline mode on 01.02.2022 which has now been rejected, can be reconsidered on merits and in accordance with law as there has been no delay in this aspect on the part of the petitioner to make the application since he admittedly made the application on 01.02.2022 well before the six months period of expiry.

9. In that view of the matter, this Court is inclined to dispose of this writ



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petition with the following order.

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- The impugned order dated 28.02.2022 is set aside and the matter is remitted back to the respondents for reconsideration.
- While reconsidering the same, the application submitted by the petitioner offline on 01.02.2022 shall be considered on merits and in accordance with law and orders shall be passed within a period of four weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition is disposed of. No costs.

19.10.2022

Index : Yes/No
Internet : Yes/No
KST
To

- 1.The Secretary to Government, Law (Admn)
Department, Secretariat, Chennai-600 009.
- 2.The Under Secretary to Government, Law (Admn)
Department, Secretariat, Chennai-600 009.



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R. SURESH KUMAR, J.

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