



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. (MD) No.40 of 2022

and

C.M.P. (MD) No.760 of 2022

1.The Law Secretary,
Ministry of Law and Justice,
Government of India,
Shastri Bhavan,
4th Floor, A Wing,
Dr.Rajendra Prasad Road,
New Delhi - 110 001.

2.The Deputy Legal Adviser & CA,
Ministry of Law and Justice,
Government of India,
Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi - 110 001.

... Appellants 1 & 2/Respondents 1 & 2

Vs.

A.Paul Melkiur

... Respondent/Writ Petitioner

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 21.01.2021, made in W.P.(MD) No.9293 of 2020.

Prayer in WP(MD) . 9293 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ, order or direction or any other writ in the nature of a writ of Certiorarified Mandamus calling for the records relating to the impugned order of 2nd Respondent in F.No.N-12012/3-2016-NC dated 27-02-2020 quash the same and consequently directing the respondents herein to grant extension of area of Notary to the petitioner in Ramanathapuram District within a reasonable time as may be fixed by this Honourable Court.

For Appellants

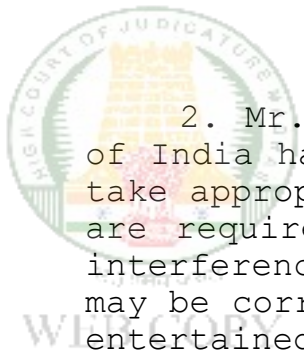
: Mr.R.Shankaranarayanan

Additional Solicitor General of India

J U D G E M E N T

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 21.01.2021 recorded on W.P(MD) No.9293 of 2020.



2. Mr.R.Shankaranarayanan, learned Additional Solicitor General of India has submitted that, it is for the Appellant Authorities to take appropriate call that, at a particular centre how many notaries are required. It is submitted that in the facts of the case, the interference by the learned Single Judge was erroneous and the same may be corrected in this appeal. It is submitted that this appeal be entertained.

3. Having heard the learned Additional Solicitor General of India for the appellant authorities and having considered the material on record, this Court finds that, though the order under challenge in the writ petition can not be said to be illegal since it is for the Appellant Authorities to take appropriate call with regard to having the arrangement of notaries at a particular centre, however in the facts of the case, when learned Single Judge has thought it fit to exercise discretion under Article 226 of Constitution of India, according to us, the same would not fall within the four corners of an error apparent on the face of the record, to call for any interference in an intra-Court appeal. For this reason, we do not intend to interfere in the impugned order.

4. This appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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W.A. (MD) No.40 of 2022
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CK (CO)

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