



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.2585 of 2022

and

W.M.P. (MD) .Nos.2287 & 2289 of 2022

P.R.Rajendran

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, directing to call for the records relating to the impugned online order passed by the respondent dated 24.12.2021 and quash the same as illegal and may direct the respondent to renew the period of certificate of practice of Notary of petitioner for a further period of 5 years from 04.04.2022.

For Petitioner : Mr.K.Sharan

For Respondent : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed challenging the order, dated 24.12.2021, rejecting the renewal application of the petitioner as Notary Public .

2.According to the petitioner, he is a Notary Public for the past 20 years and he has been renewing his licence periodically every five years. According to him, he was unaware that his licence will have to be renewed only through online, as per the amended Notaries Rules, 1956. Since the petitioner has not renewed his licence through online within the prescribed period, the impugned order came to be passed. Aggrieved by the same, this writ petition has been filed.

3.Heard Mr.K.Sharan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.



4.The learned Special Government Pleader for the respondents has placed before this Court the amended Section 8-B of the Notaries Rules, 1956, which reads as follows:

"8B.Renewal of Certificate of Practice.-

The certificate of practice issued under sub-rule (4) of rule 8 may be renewed for a further period of five years on payment of prescribed fee. An application for renewal of Certificate of Practice shall be submitted to the appropriate Government before six months from the date of expiry of its period of validity:

Provided that the appropriate Government may, after considering the reasons stated in the application, relax the condition of submission of application for renewal of certificate of practice before the above specific period."

5.Admittedly, as seen from the aforementioned Rules, the condition with regard to the renewal of licence through online within the prescribed period ie., 6 months from the date of expiry of the licence, can be relaxed, as seen from the proviso to Rule 8-B of the Notaries Rules, 1956, subject to sufficient reasons being given which are satisfactory.

6.In the case on hand, the petitioner has been having the Notary Public licence from 04.04.2002 onwards ie., almost for the period of 20 years and he has been periodically renewing the licence every five years up to now. The amended Rule 8-B of the Notaries Rules, 1956, came into force only on 06.11.2019. It is the case of the petitioner that he was unaware of the said amendment and only in such circumstances, he has applied for renewal through off-line. It is also stated in the affidavit filed in support of this writ petition that due to the present COVID-19 pandemic situation, he did not apply for renewal before the expiry date.

7.This Court is of the considered view that the reason given by the petitioner for not applying for renewal as stipulated under Rule 8-B of the Notaries Rules, 1956, is satisfactory and it has to be accepted. The proviso of Rule 8-B of the Notaries Rules, 1956, also enables the authority to relax the condition, in case sufficient reasons have been given for late submission of the renewal application. The authority concerned, without considering the reasons given by the petitioner, mechanically has passed the impugned order rejecting the petitioner's application. Without giving due consideration to the proviso of Rule 8-B of the Notaries Rules, 1956, which enables the authority concerned to relax the condition, in case of late submission of the renewal application provided sufficient reasons are given, the authority concerned has also not applied his mind to the reasons given by the applicant for late submission of his renewal application and for non-submission through online.



8.This Court, after giving due consideration to the reasons given by the petitioner for late submission of the renewal application and for non-submitting the same through online within the stipulated time mentioned in Rule 8-B of the Notaries Rules, 1956, is of the considered view that the reasons are satisfactory and ought to have been accepted by the authority concerned, who has passed the impugned order, by total non-application of mind to the proviso and to the reasons given by the petitioner for late submission and for the non-submitting through online. Therefore, the impugned order dated 24.12.2021 passed by the respondent is hereby quashed and the writ petition is allowed and the respondent is directed to renew the Notary Public licence of the petitioner, if it is otherwise in order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

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

+1 CC to M/s.K.SHARAN, Advocate (SR-5136[F] dated 09/02/2022)

+1 CC to M/s.SPL GP (SR-5325[F] dated 10/02/2022)

ORDER MADE IN
W.P (MD) .No.2585 of 2022
09.02.2022

PKP/22.02.2022/3P/4C