

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12864 OF 2021

Padmanabh Nateshwar Joshi .. Petitioner

Versus

The Union of India, through its
Department of Law and Justice
(Notary Cell) .. Respondent

Shri Subodh P. Shah, Advocate for the Petitioner.
Ms. Sudha Chintamani, Standing Counsel for the Respondent.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 29TH MARCH, 2023.**

FINAL ORDER :

. The petitioner, a notary appointed by the respondent/Union of India was required to conduct his practice within the revenue jurisdiction of Dhule district. In view of family constraints, he has decided to shift to Pune and accordingly submitted an application dated June 24, 2017 seeking extension of his area of practice to entire Pune revenue district. Said prayer of the petitioner is rejected vide impugned order dated 03rd July, 2018.

2. Mr. Shah, learned counsel for the petitioner would urge that the petitioner has never made request for transfer or shifting of area, rather his request is for extension of area, which

could have been considered in view of Rule 8-A of the Notaries Rules, 1956, which provides for extension of area of practice.

3. With the assistance of Mr. Shah, we have perused said provision. Said provision empowers the Central Government to grant extension of area, consider and decide the prayer for extension of area of practice by a notary who is already granted certificate to practice under the Rules in a particular area. What is required is such notary like the petitioner to furnish reason in an application in support of prayer for extension of area of practice. The Central Government in such eventuality is required to decide the same, if it is satisfied that there are sufficient reasons for granting such prayer for extension of area of practice.

4. If we consider the case of the petitioner, he was granted certificate to work as notary in the Dhule district and he has requested to extend his area of practice to Pune revenue district. The petitioner at no point of time has made any request of change of area, rather his prayer is for extension of area. In this background, the respondent/Union of India, in our opinion has committed an error in deciding the claim of the petitioner contrary to Rule 8-A of the Notaries Rules, 1956. The aforesaid rule as has been observed hereinabove confers right in respondent to satisfy itself about the existence of sufficient reason in exercise of powers thereunder.

5. In this background, order impugned in our opinion cannot be sustained as the same goes contrary to prayer of the petitioner, which could have been considered under Rule 8-A of the Notaries Rules, 1956, as such order dated 03rd July, 2018 is hereby quashed and set aside. We direct the respondent authority to decide the application of the petitioner dated 24th June, 2017 having regard to the aforesaid observations and the provisions of the Rule 8-A of the Notaries Rules, 1956. Since prayer of the petitioner is pending for last more than six years, we deem it appropriate to direct the Central Government to decide the same expeditiously and in any case within a period of three (03) months from the date of production of copy of this order.

6. It would not be out of place to mention here that, it shall be open for the petitioner to supplement his reasons in support of the prayer to be decided under the aforesaid rules. Such reasons which he intends to supplement shall be made available with the copy of the same to the respondent authority. The writ petition is disposed of.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23