



W.P(MD)No.1707 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

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THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1707 of 2023

and

W.M.P(MD)No.1533 of 2023

N.Elamparuthi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Law (Administration) Department,
Chennai-600 009.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order, dated 05.01.2023, passed by the first respondent and quash the same and consequently direct the first respondent to issue certificate of practice on merit and to pass such further or other orders as this Court.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader



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ORDER

Heard the learned Counsel on either side.

2. The petitioner is practising lawyer since 1988. His enrollment number is 50 of 1988. He became a notary in the year 2003. He was renewing his notaryship periodically. The validity period would expire on 28.04.2023. The petitioner submitted an application on 05.01.2023 for renewal of his notaryship. It was rejected on the ground that the petitioner failed to apply six months before the due date. Challenging the rejection generated by the system, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the respondents drew my attention to Notaries (Second Amendment) Rules, 2022, whereby Rule 8B has been amended as follows:

"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 said period of six months;

Provided further that where an application for renewal of certificate of practice is received within one year after the date of



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expiry of its period of validity, the appropriate Government may, after considering the reasons stated in the application, renew the certificate of practice with effect from the date of expiry of its period of validity."

Thus the requirement of submission of application for renewal before the period of six months can be relaxed. Taking into account, the special facts obtaining in this case and in the light of aforesaid amendment, the communication impugned in the writ petition is set aside and the petitioner is permitted to re-submit his application. The petitioner's renewal application shall be entertained by the respondents. The first respondent shall consider the petitioner's application for renewal. This writ petition stands allowed on these terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

02.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

Btr

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Law (Administration) Department,
Chennai-600 009.
- 2.The Deputy Secretary to Government,
Law (Administration) Department,
Secretariat,
Chennai-600 009.

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