

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1215 of 2024

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Ram Sagar Prasad son of Late Parmeshwar Yadav, resident of Village-
Fatehpur, P.O. Fatehpur, District-Bhagalpur-813210.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Secretary, Department of Law,
Government of Bihar, Patna.
2. The Under Secretary, Department of Law, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Law, Govt. of Bihar, Patna.
4. The District and Sessions Judge, Bhagalpur.
5. The District Magistrate, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Mandal, Advocate
For the Respondent/s : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-11-2024 The present writ petition has been filed for quashing

the notification dated 04.07.2023 issued by the Joint Secretary

to the Government of Bihar-cum-Additional Legal

Remembrancer, Bihar, Patna, whereby and whereunder the

name of the petitioner has been struck off from the notary

register.

2. The learned counsel for the petitioner has, at the

outset, submitted that the aforesaid notification dated

04.07.2023 is a non-speaking order and does not furnish any

reason for striking off the name of the petitioner from the notary

register, hence the same is unsustainable in the eyes of law.

Reference in this connection has been made to a judgment



rendered by the Hon'ble Apex Court in the case of ***ORYX Fisheries Pvt. Ltd. vs. Union of India, reported in (2010) 13 SCC 427***. The learned counsel for the petitioner has further submitted that the license of the petitioner was lastly renewed by a notification dated 12.09.2019 for a period of five years with effect from 01.10.2017 and the same was to expire on 30.09.2022, prior to which the petitioner had filed an application for renewal of the notary license on 30.03.2022, which has admittedly been received by the respondents on 05.04.2022, however, instead of deciding the issue of renewal of the license of the petitioner as a Notary, the impugned notification dated 04.07.2023 has been passed, which is arbitrary and illegal.

3. *Per contra*, the learned counsel for the respondent-State has though opposed the present writ petition and has submitted that the impugned notification dated 04.07.2023 does not suffer from any infirmity but he has not been able to show that any reason has been furnished in the said notification dated 04.07.2023, for striking off the name of the petitioner from the notary register.

4. I have heard the learned counsel for the parties and perused the materials on record, from which this Court finds that not only the aforesaid notification dated 04.07.2023 is an



unreasoned order, wherein no cogent, clear and succinct reasons have been furnished for arriving at a decision to strike off the name of the petitioner from the notary register, which is an indispensable component of a decision making process but the case of the petitioner for renewal of license has also not been dealt with by the respondents and instead the aforesaid notification dated 04.07.2023 has been issued only after the notary license of the petitioner had stood expired on 30.09.2022.

5. Having regard to the facts and circumstances of the case and for the foregoing reasons, I deem it fit and proper to quash the notification dated 04.07.2023, issued by the Joint Secretary to the Government of Bihar-cum-Additional Legal Remembrancer, Bihar, Patna and remand the matter back to the respondent authorities for fresh consideration, in light of the observations made herein-above in the preceding paragraphs.

6. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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