

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6230 OF 2024

Gitaben Patel

...Petitioner

Versus

Union Of India And Ors

...Respondents

Mr. Pramod N. Joshi a/w Ms. Rukhmini Khairnar, for the Petitioner.

Mr. Hiten Venegaokar a/w Mr. Harsh Dedhia, for the Respondents.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 01 APRIL 2025

P.C.:

1. Not on board upon mentioning taken on board.
2. This petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs :

"a. This Hon'ble Court, in the interest of justice, be pleased to issue an appropriate writ/ order and/ or direction, directing the Respondents, to forthwith with "Renew the license" of the Petitioner, as provided under provisions 8(A) and (B) of the "said Rules" on the basis of her Application for renewal dated 23.03.2023;

b. This Hon'ble Court, in the interest of justice, be pleased to issue an appropriate writ/ order and/ or direction, directing the Respondents, otherwise, to reconsider and Appoint, the Petitioner as Notary, by following due process of law, on the basis of the present Advertisement dated 29.01.2024 and on the basis of her Application dated 01.02.2024, forthwith;

c. This Hon'ble Court, in the interest of justice, be pleased to issue an appropriate writ/ order, quashing and set aside the Notification dated 12.03.2024 by which 7 Appointments as Notary have been made, which is without following proper procedure as indicated in the Grounds of the present Writ Petition;

d. This Hon'ble Court, in the interest of justice, be pleased to

issue an appropriate writ/ order and/ or direction, directing all the Respondents to follow proper procedure as enumerated in the Grounds of this Writ Petition and make requisite appointments forthwith;"

3. It is contended by Mr. Joshi, learned counsel for the petitioner that the petitioner's application is pending consideration with the respondents, which needs to be decided.

4. Mr. Joshi, has drawn our attention to an order passed on similar proceedings by this Court dated 25 March 2025 mainly on the writ petition No. 6301 of 2024 (Vaishali Abhay Joshi vs. Union of India and Ors) and writ petition no. 6291 of 2024 (Mamta Haridatt Mahadik vs. Union of India through Administrator and Ors). The operative portion of the said order which read thus :

"5. We do not intend to delve into the legal contentions as urged

on behalf of the parties on merits at this stage. Suffice it to observe that the application made by the petitioner dated 25th January 2024 is pending consideration of the Collector, Dadra and Nagar Haveli Silvassa. The same would be required to be decided by the said authority in accordance with law.

6. We, accordingly, dispose of this petition, keeping open all contentions of the parties, by directing the Collector to decide the petitioner's application within a period of two weeks from the date a copy of this order is presented before him. Further, the petitioner be granted an opportunity of a personal hearing. Ordered accordingly.

7. Disposed of in the aforesaid terms. No costs."

5. Mr. Joshi would submit that present petition be disposed of in terms of the similar orders as passed on the aforesaid proceedings. Mr. Venegaokar would not dispute that the application of the petitioner would be required to be decided and in accordance with law.

6. Considering the aforesaid prayer, we are of the opinion that it would be appropriate to dispose of this petition by directing the Collector to decide the petitioner's application within a period of two weeks from the date a copy of this order is presented before him. The petitioner be granted an opportunity of personal hearing.
7. All contentions of the parties are expressly kept open.
8. Ordered accordingly.
9. The writ petition stands disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]