

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6301 OF 2024

Vaishali Abhay Joshi	...	Petitioner
V/s.		
Union of India and Ors.	...	Respondents

WITH
WRIT PETITION NO. 6291 OF 2024

Mamta Haridatt Mahadik	...	Petitioner
V/s.		
Union of India through Administrator ... and Ors.		Respondents

Mr. Pramod Joshi with Rukmini Khairnar, for the petitioner.
Ms. Gargi Uday Warunjikar, for the Respondent No. 1 in WP/6301/2024.
Mr. Hiten Venegaonkar with Mr. Harsh Dedhia, for the respondent Nos. 2 to 5.

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

DATE : 25th MARCH 2025.

PC:

1. The Petitioner, an advocate, was registered as a “Notary Public” since the year 2009. The last renewal of his registration was granted vide an order dated 19th July 2019, which was to be valid till 28th July 2024. As the petitioner’s term was coming to an end, he made an application dated 25th January 2024 to the designated authority/Collector, Dadra and Nagar Haveli

Silvassa, praying for renewal of the certificate to the practice as a “Notary Public”. The grievance of the petitioner in such application has remained to be decided and / or the same is not being considered.

2. It is in these circumstances, present petition was filed by the petitioner on 10th April 2024 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 25.01.2024;

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 Appointment as Notary have been made, which is without following proper procedure as indicated in the Ground 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. In pursuance of the notice issued by this Court, Mr. Venegaonkar has represented for the Union Territory Dadra and Nagar Haveli, Daman and Diu and Ms. Gargi Uday Warunjikar, appears for the Respondent No. 1.

4. Mr. Joshi, learned counsel for the petitioner has placed reliance on the decisions of the different High Courts to contend that it would be an entitlement of the petitioner to seek renewal of the petitioner's certificate to practice as a "Notary Public", considering the provisions of Section 5(2) of the Notaries Act, 1952.

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.

8. Disposed of in the aforesaid terms. No costs.

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9. In so far as the petitioner in this petition is concerned, the facts are not different from what we have considered in the aforesaid order.

10. It is hence agreed that the directions in the Writ Petition No.6301 of 2024 would also govern the present proceedings, although the dates are different.

11. We, accordingly dispose of the petition in terms of similar directions as issued in the aforesaid petition. Ordered accordingly.

12. Disposed of. No costs.

(ADVAIT M. SETHNA, J)

(G.S. KULKARNI, J)