



W.P.No. 1878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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V.THILLAIKUMAR

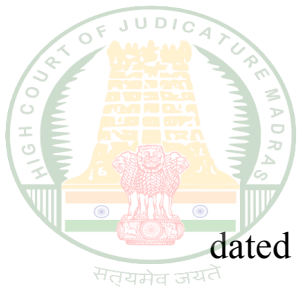
... Petitioner

Vs

1. THE GOVERNMENT OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS,
NOTARY CELL,
4TH FLOOR, JANPATH BHAVAN,
NEW DELHI - 110 001.
2. THE DEPUTY LEGAL ADVISOR AND
COMPETENT AUTHORITY,
MINISTRY OF LAW AND JUSTICE,
DEPARTMENT OF LEGAL AFFAIRS,
NOTARY SECTION, SHASTRI BHAVAN,
NEW DELHI - 110 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 09.01.2024 made in F.No.N-14012/15/2023-Notary Cell issued by the first respondent, quash the same and consequently direct the respondents to renew the petitioner's request for renewal of certificate of practice as a Notary by considering the petitioner's application



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dated 24.03.2023 afresh.

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For Petitioner : Mr.N.Manoharan

For R1 & R2 : M/s.J.Priscilla Pandian

ORDER

This writ petition is filed seeking a writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 09.01.2024 in F.No.N-14012/15/2023-Notary Cell issued by the first respondent, quash the same and consequently direct the respondents to renew the petitioner's request for the renewal of the certificate of practice as a Notary by considering the petitioner's application dated 24.03.2023.

2. *Mr.N.Manoharan*, the learned counsel appearing on behalf of the petitioner would submit that there was only a slight delay in the petitioner making the application for renewal. He further submits that the matter is no longer *res integra* and has since been settled by the Kerala High Court in *A. Gourisankar vs. The State of Kerala [1990 SCC Online Ker 269]*. The Court held that the renewal is almost automatic and the technical issue of not



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making the application in time should never come in the way. The respondents should be directed to renew the petitioner's application for renewal.

3. Per contra, Mrs. J. Priscilla Pandian, the learned counsel appearing for the respondents, submits that the petitioner had earlier made an application on 30.01.2015, which was rejected by an order dated 29.03.2016. Immediately thereafter, acknowledging the receipt of the said order, the petitioner made another representation requesting reconsideration. He was informed that the same could not be reconsidered. Subsequently, the petitioner left the matter as it was. Then, by making a representation on 24.03.2023, he moved this Court by way of earlier Writ Petition No. 14473 of 2023, and this Court directed that the said representation be considered. The representation has now been duly considered, and the impugned order has been passed. It is further stated that the petitioner has made a fresh application to be appointed as a notary. As and when the petitioner's seniority reaches, the application will be taken up for consideration.



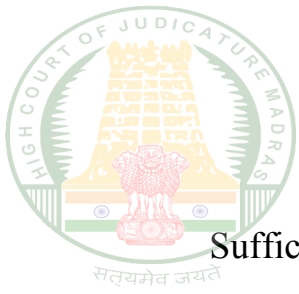
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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. Though this Court generally comes to the aid of a person such as the petitioner when there is a mere delay in making the application, in this case, when the petitioner's application for renewal was rejected on 29.03.2016, the same ought to have been challenged by the petitioner. However, the petitioner left the matter as it was until 2023 and thereafter, made a representation. In the earlier round, this Court had only directed the respondents to consider the representation, which they did, and ultimately rejected it. The representation has now been rejected on the ground that the petitioner's request was already rejected by the order dated 29.03.2016, which has become final. No exception can be taken to the said findings.

6. It can be seen that the original Notary Certificate of Practice expired on 15.05.2013 and from 2013 until the petitioner made a representation on 24.03.2023, almost 10 years had passed. Therefore, this is not a case where the Court should direct the respondents to renew the petitioner's request.



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Suffice it to observe that the refusal to renew or the decision in the present case will not prevent the respondents from considering the fresh application that is said to be pending. The respondents shall consider the fresh application on its own merits, in accordance with law and pass orders thereon, based on the petitioner's seniority.

7. With the above observations, this writ petition stands disposed of.

No costs.

28.02.2025

Neutral Citation: Yes/No
nsl

To

1. THE SECRETARY TO GOVERNMENT,
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS,
NOTARY CELL,
4TH FLOOR, JANPATH BHAVAN,
NEW DELHI - 110 001.
2. THE DEPUTY LEGAL ADVISOR AND
COMPETENT AUTHORITY,
MINISTRY OF LAW AND JUSTICE,
DEPARTMENT OF LEGAL AFFAIRS,
NOTARY SECTION, SHASTRI BHAVAN,
NEW DELHI - 110 001.

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D.BHARATHA CHAKRAVARTHY, J.

nsI

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