



W.P.No.16598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.16598 of 2023
and W.M.P.No.15894 of 2023

V.K.Sakthi Kumar
S/o Late V.S.Kannan
No.9, Konnor High Road
5th Lane, Ayanavaram
Chennai 600 023.

... Petitioner

-Vs-

1.The State of Tamil Nadu rep.by its Secretary
Law (Administration) Department
Fort St.George, Chennai 600 009.

2.A.K.Devendran
No.98, Vanniyar Street
Ambattur Kuppam, Chennai – 600 058.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for records relating to the 1st respondent's order made in G.O.Ms.No.155 Law (Administration) Department dated 14.03.2023 to quash the same and to consequently direct the 1st respondent to forthwith renew / restore the certificate of practice of the petitioner as Notary.



WEB COPY



W.P.No.16598 of 2023

For Petitioner : Mr.R.Venkataramani, Senior Counsel
assisted by Mr.L.Chandrakumar

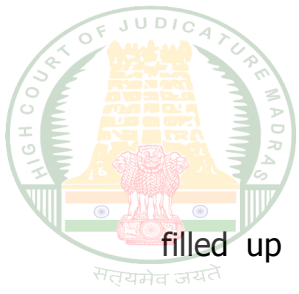
For Respondents : Mr.V.Manoharan
Additional Government Pleader – for R1

Mr.A.K.Devendran – R2 (Party-in-Person)

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for records relating to the 1st respondent's order made in G.O.Ms.No.155 Law (Administration) Department dated 14.03.2023 to quash the same and to consequently direct the 1st respondent to forthwith renew / restore the certificate of practice of the petitioner as Notary.

2. Heard Mr.K.Venkataramani, learned Senior Counsel, who, after taking this Court through the facts, submits that the finding recorded in the impugned order regarding the petitioner's signing the black stamp paper may not be correct. He has produced the said copy of the Power of Attorney itself in the typed set of papers, and submits that it is a printed document and the parties have signed it and while that being so, there is no error whatsoever in notarizing the said stamp paper. As far as the forms are concerned, when the printed forms of the bank after signing by the parties are produced before the notary, it is not the duty of the notary to see that every clause is

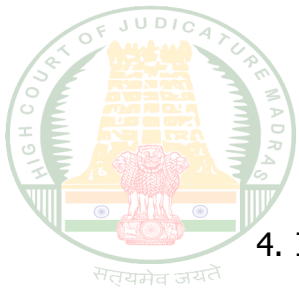


W.P.No.16598 of 2023

filled up or otherwise and therefore, the allegation against the petitioner is *per se*

unsustainable. Secondly, it is the second respondent, for his own benefit, to wriggle out of the loan transaction, has made undue complaint. As far as the allegation relating to the production of the register is concerned, the particular register alone got misplaced during his shifting of office. In any event, the learned Senior Counsel would submit that the debarment cannot be permanent and at least as ordered by this Court in W.P.No.29060 of 2012 etc., a fresh lease of life can be granted to the petitioner by treating this period as substantive punishment and permitting the petitioner to make an application for renewal / revival of the license of notary, which would be just and proper in the facts and circumstances of the present case.

3. The writ petition is resisted by learned Additional Government Pleader appearing for the first respondent. He produced the record relating to the enquiry conducted by the competent authority and submits that the competent authority has conducted a detailed enquiry and has come to the conclusion and that the Government has passed orders only thereafter by confirming the findings of the competent authority. Therefore, the learned Additional Government Pleader submits that the impugned order of punishment has been passed only on proven charges.



W.P.No.16598 of 2023

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

5. As rightly contended by the learned Senior Counsel, the allegation could have been made by the second respondent for wriggling out of the liability and after availing the loan. Whether the second respondent availed the loan or whether the bank took undue advantage is not the subject matter to be decided in the present writ petition. When the writ petitioner was appointed as notary, which is a respectable position under the Notaries Act 1952 , it involves a solemn duty on the petitioner to see to it that the notarisation is done on a properly filled in form and to maintain records, as the charges are related only to the same. I agree with the submission of Mr.R.Venkataramani that as far as the Power of Attorney is concerned, the petitioner cannot be made liable. But, the other form in which the petitioner has signed remains inchoate and blank, which are claimed to have been notarized. Therefore, I am of the view that the notaries cannot merely sign such blank, unfilled and inchoate forms as if they witnessed the parties signing the same.

6. Furthermore, when the enquiry authority directed the production of the concerned register, the petitioner states that he has lost the register. It may be true that the petitioner could have lost the concerned register, but when he has not taken



W.P.No.16598 of 2023

care to preserve the register with care, his case does not fall within the ambit to give one more opportunity to him to again act as Notary. Therefore, when the respondents have followed the procedure and passed the order, no ground is made out to interfere with the impugned order. Needless to mention that the petitioner is a practicing advocate and he can very well continue his practice and may be this order will be a blessing in disguise for him to concentrate more on the legal profession.

7. In view there of, this writ petition is liable to be dismissed and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.02.2025

Index : No
Internet : Yes
KST

To

The Secretary to Government
Law (Administration) Department
Fort St.George, Chennai 600 009.



WEB COPY



W.P.No.16598 of 2023

D.BHARATHA CHAKRAVARTHY, J.

KST

W.P.No.16598 of 2023

26.02.2025