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W.A.No.2258 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

THE HON'BLE MRS.JUSTICE J.NISHA BANU

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.A.No.2258 of 2025
and CMP.No.17328 of 2025

The Law Secretary,
Government of India,
Ministry of Law and Justice,
Department of Legal Affairs (Notary Cell),
No.493, 4th Floor, Shastri Bhavan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.

.. Appellant

vs.

1.J.Bindhu

2.The Secretary to Government (Law),
Administrative Department,
Secretariat, Chennai-600 009.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.02.2025 made in W.P.No.40079 of 2024.

For Appellant : Mr.R.Rajesh Vivekananthan

For Respondents : Mr.M.Venkateswaran
Special Government Pleader
for R2



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JUDGMENT

(Judgment of the Court was delivered by ***J.NISHA BANU, J.***)

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This writ appeal is preferred as against the order of the Writ Court dated 18.02.2025 made in W.P.No.40079 of 2024.

2. The first respondent in the writ petition is the appellant herein.

Facts leading to the filing of this writ appeal reads as under:

2.1. The 1st respondent applied for registration of Notary for Sriperumbudur, Kancheepuram District and she was appointed as a Notary by the Central Government on 10.07.2015 and issued with a Certificate of Practice for a period of five years, valid upto 09.07.2020. Subsequently, on the request of the 1st respondent, a duplicate certificate of practice was issued to her on 29.02.2016 with no change in its period of validity and as such, the certificate of practice expire on 09.07.2020.

2.2. The prescribed time for submitting renewal application in pursuance of 8B of Notaries Rules, 1956 is six months before the date of expiry of Certificate of Practice. Therefore, the 1st respondent made an application for renewal of certificate of practice on 22.10.2020, which was



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beyond the prescribed time. The said application was rejected by the appellant vide impugned order dated 16.07.2021, which was put to challenge in the aforesaid writ petition.

2.3. The writ petition, after contest, came to be disposed of by the Writ Court by remanding the matter to the appellant for reconsideration and if the application is found to be in order and if the 1st respondent is found to be eligible, renewal shall be granted for a further period of 5 years prospectively. Challenging the order of the writ Court, the 1st respondent in the writ petition has filed the instant writ appeal.

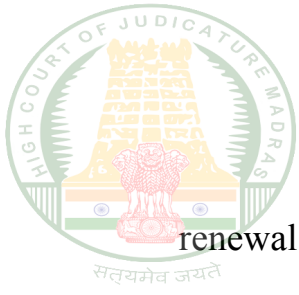
3. The learned counsel appearing for the appellant would contend that the application for renewal was submitted by the 1st respondent on 22.10.2020, which is not prior to six months of expiry as per Rules and further the impugned order of rejection came to be challenged after a delay of 3 years, as impugned order was passed in the year 2021, whereas the writ petition was filed in the year 2024 and on the ground of delay and laches, the writ Court ought to have dismissed the writ petition and therefore, prays for interference.



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WEB COPY4. Heard the learned Additional Government Pleader appearing for the 2nd respondent and perused the materials on record.

5. It is seen from the records, more particularly the affidavit filed in support of the writ petition, that the 1st respondent has been repeatedly corresponding with the appellant and she was appearing in person pursuing the matter and as such, the ground of delay cannot be attributed as against the 1st respondent. As regards the other ground namely the application was not made within time, it is to be noted that as per the original date of practice, the licence period was to expire on 29.02.2021 and admittedly, as per the rules, the application has to be made six months prior to the expiry of the time, which expired on 28.08.2020, whereas the application was made on 22.10.2020 and the period between August to October 2020 were Covid 19 pandemic periods. The Writ Court, though initially was of the view that the appellant has rightly rejected the renewal application, considering the extraordinary factual situation and peculiar circumstances of the case, has come to the rescue of the 1st respondent, irrespective of the ground of delay and remanded the matter to the appellant to reconsider the application for



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renewal in the manner known to law. This Court is of the view that there is no perversity or infirmity in the reasons assigned by the learned Single Judge and finds no merit in the writ appeal.

6. Accordingly, the Writ Appeal stands dismissed. No costs. consequently connected miscellaneous petition is also dismissed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
22-07-2025

ASI

To

The Secretary to Government (Law),
Administrative Department,
Secretariat, Chennai-600 009.



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