



W.P.No.40079 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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Dated: 18.02.2025

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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J.Bindhu, Female, aged about 44 years,  
Wife of Mr.N.Sathish,  
No.:1, Raghavendra Street,  
Gandhi Nagar,  
Sriperumbudur Town and Taluk,  
Kancheepuram District,  
Tamil Nadu - 602105

... Petitioner

/versus/

1. The Law Secretary,  
Government of India,  
Ministry of Law and Justice,  
Department of Legal Affairs (Notary Cell),  
No.;493, 4<sup>th</sup> Floor, Shastri Bhavan,  
Dr.Rajendra Prasad Road, New Delhi - 110001.

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

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ in the nature of Certiorarified Mandamus calling for the records pertaining to the order passed by the 1<sup>st</sup> Respondent in his proceedings in letter No.:F.No.5(132)/2014-NC dated 16.07.2021 and quash the same, and



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consequently direct the 1<sup>st</sup> Respondents to renew the certificate of practice as Notary as per the Notary renewal application of the petitioner dated 22.10.2020.

For Petitioner : Mr.S.Haja Mohideen Gisthi  
For R1 : Mr.R.Rajesh Vivekananthan,  
Deputy Solicitor General of India  
For R2 : Mr.S.Senthil, Spl.G.P

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### **ORDER**

The writ petition is filed for Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent dated 16.07.2021, quash the same and consequently direct the first respondent to renew the certificate of practice as Notary as per the Notary renewal application of the petitioner dated 22.10.2020.

2. The brief facts leading to the filing of the writ petition is that the petitioner is a practicing Advocate. She had applied as per the Rules and was also granted a certificate to practice as a Notary. When the same was about to expire, the petitioner made an application for renewal. By the impugned order, the same



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was rejected. It was stated in the impugned order that the date on which the period expires in respect to the petitioner is 29.02.2021. The application should have been made six months prior to the same. The Authority construed the date as 09.01.2020 and rejected the application.

3. Aggrieved by the same, the present writ petition is filed. When the matter came up for hearing, Mr.Rajesh Vivekananthan, the Learned Deputy Solicitor General of India appearing on behalf the 1<sup>st</sup> respondent would submit that there are two objections. The first objection is that the application for renewal admittedly in this case was made on 22.10.2020 which is not prior to the six months as per the Rules. Secondly, when the authorities have rejected the application in the year 2021 by the impugned order, the writ petition is filed only in the year 2024 and as such, there is huge delay and laches. For the above said two reasons, this Court should not interfere in the matter.

4. Per Contra, Mr.S.Haja Mohideen Gisthi, learned counsel appearing on behalf of the petitioner would submit that firstly in this case the date of expiry itself is in dispute as the petitioner in this case was given the duplicate certificate of



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practice only in the year 2016 and therefore, the application is very much within

the time. Even assuming that the period would start as per the original certificate, then the application is delayed only by two months and not from 09.01.2020 as mentioned in the impugned order. The two months happened during the COVID-19 period and therefore, the respondents ought not to have taken it as a delay and the petitioner's application ought to have taken in time and the order should have been passed.

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

6. As far as the delay in filing the writ petition is concerned, on perusal of the typed set of papers, it can be seen that immediately after the impugned order was passed, the petitioner had made a representation to the respondents themselves explaining the position and it is stated in the affidavit that the petitioner has been further corresponding with the respondents and was also appearing in person before the respondent pursuing the matter.



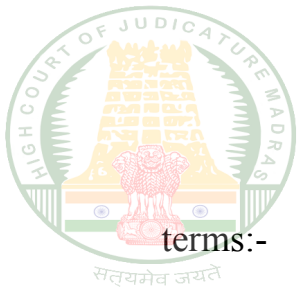
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7. In view thereof, it cannot be said that this is a case where the petitioner slept over the matter or acquiesced her right. When the petitioner has been pursuing the alternative remedy of making a representation approaching the same authority, the delay of three years cannot be held to be huge so as to non-suit the petitioner. The second ground objection is that the application is not made in time. Even taking the original date of practice, the period was to expire on 29.02.2021. Admittedly as per the rules, the application for renewal has to be made six months prior to the expiry of the time. Therefore, the last day expired on 28/08/2020. The application was made on 22.10.2020. The entire period of August, September, October were all COVID-19 pandemic periods.

8. Therefore, considering the extraordinary circumstances of this case, I am of the view that though the respondent is right in rejecting the application, in the extraordinary fact situation, this Court can come to the rescue of the petitioner. Considering the peculiar circumstances of the case, the petitioner need not be non-suited only on the ground of delay.

9. Accordingly, this writ petition is disposed of on the following



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terms:-

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i. The impugned order dated 16.07.2021 bearing reference No.F.No.5(132)/2014-NC, dated 16.07.2021 shall stand set aside. The first respondent shall reconsider the application for renewal in the manner known to law.

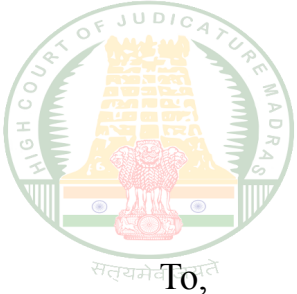
ii. Needless to state that, if the application is found to be in order otherwise and the petitioner is found to be eligible, renewal can be granted for a further period of 5 years prospectively and the past period need not be taken into account. This exercise shall be completed within a period of 8 weeks from the date of receipt/production of the web copy of the order, without waiting for the certified copy of the order.

There shall be no order as to costs.

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To,

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Ministry of Law and Justice,  
Department of Legal Affairs (Notary Cell), No.;493, 4<sup>th</sup> Floor, Shastri Bhavan,  
Dr.Rajendra Prasad Road, New Delhi - 110001.

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

3. The Government Pleader, High Court, Madras.



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**D.BHARATHA CHAKRAVARTHY, J.**

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