



W.P(MD)No.18058 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.18058 of 2025

Annes Leon

... Petitioner

Vs.

1.The Secretary to Government,
Law (Administration)department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.

2.The Deputy Secretary to Government,
Law(Administration) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 09/06/2025 in G.O.Ms.No.176 passed by the first respondent and to quash the same and consequentially, to direct to renew the Certificate of Practice of the petitioner as the Notary Public for a period of five years.

For Petitioner	: Mr.J.Barathan
For Respondents	: Mr.R.Raghavendran Government Advocate



W.P(MD)No.18058 of 2025

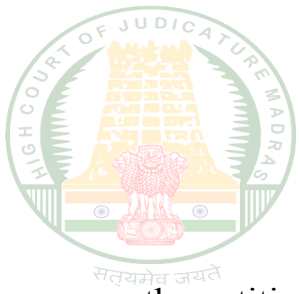
ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 09/06/2025 in G.O.Ms.No.176 passed by the first respondent and consequentially to direct to renew the Certificate of Practice of the petitioner as the Notary Public for a period of five years.

2.Admittedly, the petitioner was granted license to act as "Notary Public" for a period of five years from 01/03/2019 to 29/02/2024. The petitioner is supposed to renew the said license prior to six months of the prescribed period. However, the petitioner failed to approach the authority by submitting the renewal application. Even after the period is lapsed, the petitioner is entitled to submit the application for a period of three months. Again, the petitioner has failed to submit the same. Subsequently, the petitioner has submitted the application after a lapse of about one year (393 days).

3.After considering the reason cited by the petitioner, the respondents have passed the impugned rejection order stating that the petitioner has submitted the application after one year without citing any appropriate reason. Aggrieved over the same, the present writ petition is filed.



4. The learned Counsel appearing for the petitioner submitted that the petitioner forgot to submit the application because there were certain medical grounds, hence she forgot the renewal date. Further, the learned Counsel appearing for the petitioner relied on the order passed by the Delhi High Court in the case of ***Neelam Sharma Vs. Union of India*** reported in ***2015 SCC OnLine Del 12037***, wherein the Court relied on the judgment of the Honourable Supreme Court in the case of ***D.Nataraja Mudaliar Vs. The State Transport Authority Madras (1978)*** reported ***(1978) 4 SCC 290***. The relevant portion of the order passed by the Delhi High Court in the case of ***Neelam Sharma Vs. Union of India*** reported in ***2015 SCC OnLine Del 12037***, is extracted hereunder:

"7. The Supreme Court in D. Nataraja Mudaliar v. The State Transport Authority, Madras (1978) 4 SCC 290 finding that the holder of a road transport Permit ordinarily has a right of renewal held that unless it is shown that outweighing reasons of public interest lead to a contrary result, a Permit holder has a right to fair consideration of his claim for renewal. A Division Bench of this Court in International Trading Company v. Union of India AIR 2002 Delhi 488 (though overruled on another aspect) in Union of India v. International Trading Company (2003) 5 SCC 437 also held that renewal of a Permit is a valuable right which can be refused only on cogent and valid grounds. It was further held that non-renewal of an existing licence is usually a most serious matter than refusal to grant a licence. Similarly, in State of U.P. v. Ashok Kumar Nigam (2013) 3 SCC 372 finding that the request for renewal in accordance with the rules had been rejected without proper consideration, it was held that the right of consideration for renewal is a legitimate right and an applicant



W.P(MD)No.18058 of 2025

can be deprived of such right and be declined renewal where work is unsatisfactory."

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After considering the same, the Court has held that the said reasons for renewal are simple or no harm orders. Therefore, the reasons cited cannot be valid and directed to renew the license. The same issue was also considered by the by the High Court of Madras in W.P.(MD)No.2585 of 2022, vide order, dated 09/02/2022, in the case of ***P.R.Rajendran Vs. The Principal Secretary***, wherein it is held as under:

"7.This Court is of the considered view that the reason given by the petitioner for not applying for renewal as stipulated under Rule 8-B of the Notaries Rules, 1956, is satisfactory and it has to be accepted. The proviso of Rule 8-B of the Notaries Rules, 1956, also enables the authority to relax the condition, in case sufficient reasons have been given for late submission of the renewal application. The authority concerned, without considering the reasons given by the petitioner, mechanically has passed the impugned order rejecting the petitioner's application. Without giving due consideration to the proviso of Rule 8-B of the Notaries Rules, 1956, which enables the authority concerned to relax the condition, in case of late submission of the renewal application provided sufficient reasons are given, the authority concerned has also not applied his mind to the reasons given by the applicant for late submission of his renewal application and for non-submission through online.

8.This Court, after giving due consideration to the reasons given by the petitioner for late submission of the renewal application and for nonsubmitting the same through online within the stipulated time



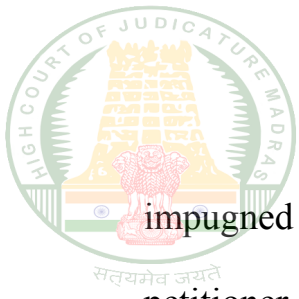
W.P(MD)No.18058 of 2025

mentioned in Rule 8-B of the Notaries Rules, 1956, is of the considered view that the reasons are satisfactory and ought to have been accepted by the authority concerned, who has passed the impugned order, by total non-application of mind to the proviso and to the reasons given by the petitioner for late submission and for the non-submitting through online. Therefore, the impugned order dated 24.12.2021 passed by the respondent is hereby quashed and the writ petition is allowed and the respondent is directed to renew the Notary Public licence of the petitioner, if it is otherwise in order. No costs. Consequently, connected miscellaneous petitions are closed."

In W.P.No.40079 of 2024, in the case of ***J.Bindhu Vs. The Law Secretary and Another***, dated 18.02.2025, the High Court of Madras has held that considering the extraordinary circumstances, the petition is allowed.

5.In the present case, the respondents have stated that the reasons cannot be accepted and the medical certificate was not relevant to the said period. This Court is of the considered opinion that the medical certificate may not be relevant for the said period but the fact remains that the petitioner suffered illness / ailment. Further, the delay is only for a period of one year. If the extended period of three months is deducted, it would be only nine months. Therefore, the delay is not huge.

6.Therefore, the reason stated by the respondents is rejected and the



W.P(MD)No.18058 of 2025

impugned order is quashed, consequently, the Certificate of Practice of the petitioner as the Notary Public shall be renewed within a period of 4 weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

28.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1. The Secretary to Government,
Law (Administration) department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009

2. The Deputy Secretary to Government,
Law (Administration) Department,
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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.18058 of 2025**

DATED : 28.07.2025