



W.P.(MD).No.13760 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13760 of 2024

and

W.M.P(MD) No.12102 of 2024

Elangovan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Law (Administration) Department,
Chennai – 600 009.

2. The Deputy Secretary to Government,
Law (Administration) Department,
Secretariat,
Chennai – 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 11.04.2024, passed by the first respondent and quash the same and consequently direct the first respondent receive the petitioner's application and issue certificate of practice on merit.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.B.Saravanan
Additional Government Pleader



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ORDER

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The present writ petition has been filed by a practising advocate seeking to quash the order passed by the first respondent herein, wherein the request of the petitioner for renewal of notaryship has been rejected on the ground that it has been belatedly filed.

2. The petitioner herein is a practising advocate since 1976. The petitioner was issued with Certificate of Practice on 07.05.1996 to practise in and around Thanjavur District for a period of three years. The petitioner was renewing his Certificate of practise periodically till 06.05.2017.

3. When the petitioner made an application for renewal, the renewal order was passed only on 29.04.2019, with effect from 07.05.2017. The petitioner was under the impression that the period of 5 years should be calculated only from 29.04.2019. He, therefore, made an application for renewal on 11.04.2024, much before the date of expiry, namely, 29.04.2024. However, the said application was rejected on the sole ground that the Certificate, having taken effect from 07.05.2017, the application for renewal



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ought to have been filed on or before 07.05.2022 or at least on or before 07.05.2023. This order is put to challenge in the present writ petition.

4. According to the learned counsel appearing for the writ petitioner, the petitioner was under the impression that the Government Order in G.O. (Ms) No.92, Law (Admn) Department, dated 29.04.2019 was issued only in the year 2019 and therefore under the impression that the validity of five years should be calculated only from the date of issuance of Government Order.

5. The learned Additional Government Pleader appearing for the respondents submitted that as per Rule 8[b] of the Notaries Act, 1952, the application has to be presented at least within one year from the date of expiry of the notaryship. In the present case, the period of the notaryship of the writ petitioner had expired on 07.05.2022, when the five year period is calculated from 07.05.2017. Therefore, the petitioner ought to have made his application at least on or before 07.05.2023. Hence, he prayed for sustaining the order passed by the respondents.



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6. Heard both sides and perused the materials available on record.

7. The petitioner's notaryship had expired on 06.05.2017, and the petitioner had sent his application in time. However, the renewal order was passed only on 29.04.2019. Hence, the order pointed out that it would take effect from 07.05.2017. Therefore, the petitioner cannot be found fault with for assuming that the 5 years period could be calculated from 29.04.2019. In such circumstances, this Court finds that the order impugned in the writ petition is not sustainable in the eye of law and the renewal application having been presented only on 11.04.2024, should be treated in time and it should be decided on merits.

8. In view of the above said deliberations, the order impugned in the writ petition is set aside and the first respondent is directed to consider the application of the petitioner and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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9. With the above said observation, this writ petition stands allowed.

There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

20.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Secretary to Government,
Law (Administration) Department,
Chennai – 600 009.
2. The Deputy Secretary to Government,
Law (Administration) Department,
Secretariat,
Chennai – 600 009.



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R.VIJAYAKUMAR,J.

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