



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2352 of 2022

1 - Ratnesh Kumar Yadav S/o Late Keshav Prasad Yadav Aged About 60 Years R/o Baikona, Tehsil Pratappur, District : Surajpur, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary Law And Legislative Affairs Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh

2 - Deputy Secretary State Of Chhattisgarh Law And Legislative Affairs Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar Nawa Raipur,, District : Raipur, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Mayank Gupta, Advocate on behalf of Mr. Avinash Singh, Advocate.
For Respondents	:	Mr. Keshav Gupta, Govt. Advocate.

(Hon'ble Mr. Justice Naresh Kumar Chandravanshi)

Order on Board

19/01/2026

1. With the consent of learned counsel for the parties, the matter is heard finally.
2. Instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking following reliefs :-

(1) That, this Hon'ble Court may kindly be pleased to issue writ/writs, order/orders, direction/directions,



quashing the impugned order dated 20.04.2022 (Annexure P-1), passed by the Deputy Secretary, Law and Legislative Department and the authorities may kindly be directed to reconsider the case of the petitioner for renewal and they may further be directed to restore his name in the register maintained by the government under Section 4 of the Notaries Act, 1952.

2. That, this Hon'ble Court may kindly be pleased to grant any other relief (s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.

3. Facts of the case, as projected by the petitioner, are that the petitioner is a practicing Advocate, he has been appointed as 'Notary' at Pratappur, District Surajpur (C.G.). By the Department of Law & Legislative Affairs necessary certificate was issued in favour of the petitioner on 23.12.2008 for a period of '5 years' and upon completion of 5 years, his certificate was renewed from time to time for further period of 5 years, however, vide order dated 20.04.2022, State Government has decided not to renew the notary certificate of the petitioner and, thereafter, striking of his name from the register of Notary, Hence, this writ petition.

4. Contention of learned counsel appearing for the petitioner is that the State Government while passing the impugned order dated 20.04.2022 Annexure P-1, neither assign any reasons nor afforded any opportunity of hearing to the petitioner and also ignored the provisions contained in Section 5 of the Notaries Act, 1952 as also the Rule 13 (4-a) of the Notaries Rules, 1956. The allegations contained in notice dated 28.10.2021 is the foundation of refusal to renew the certificate of petitioner, however, neither any enquiry has been conducted with regard to said allegation nor the prescribed procedure has been followed as envisaged under the Rule 13 of the Notaries Rules, 1956. Before expiry of the licence, petitioner has filed an application Annexure P-5 for renewal of the certificate of Notary before the competent Authority, which is pending for consideration yet. Hence, the petitioner



has come-up before this Court with the aforesaid prayer. In support of his contention, he places reliance upon decisions / orders dated 09.10.2023 & 17.03.2025 passed by this Court in WPC No. 3066 / 2022 & WPC No. 4604 / 2024.

5. Per contra, learned counsel for the State while opposing the submissions made on behalf of the petitioner would submit that the respondent Authority has passed the impugned order Annexure P-1 after taking into consideration the entire facts of the case. He further submits that application /representation made by the petitioner for renewal of the licence was rejected by the authorities strictly in accordance with law. As such, the instant writ petition deserves to be dismissed.

6. I have heard learned counsel for the parties and perused the material available on record.

7. For ready reference, Section 10 of The Notaries Act, 1952 (for brevity, "Act of 1952") reads as under :-

"10. Removal of names from Register.—The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name, of the notary if he—

- (a) makes a request to that effect; or
- (b) has not paid any prescribed fee required to be paid by him; or
- (c) is an undischarged insolvent; or
- (d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practise as a notary; or
- (e) is convicted by any court for an offence involving moral turpitude; or
- (f) does not get his certificate of practice renewed."

8. Section 13 of the Notaries Rules, 1956 (for brevity, "Rules of 1956") reads as under :-

13. Inquiry into the allegations of professional or other misconduct of a notary. -



1. An Inquiry into the misconduct of a notary may be initiated either Suo motu by the appropriate Government or on a complaint received in the form XIII.

(2) Every such complaint shall contain the following particulars, namely:-

(a) the acts and omissions which, if proved, would render the person complained against unfit to be a notary;

(b) The oral or documentary evidence relied upon in support of the allegations made in the complaint.

(3) The appropriate Government shall return a complaint which is not in the proper Form or which does not contain the aforesaid particulars to the complainant for representation after compliance with such objections and within such times as appropriate Government may specify.

Provided that if the subject-matter in the complaint is, in the opinion of the said Government substantially the same as or covered by, any previous complaint and if there is no additional ground, the said Government shall file the said complaint without any further action and inform the complainant accordingly.

(4) Within sixty days ordinarily of the receipt of complaint, the appropriate government shall send a copy thereof to the notary at his address as entered in the Register of Notaries.

[(4A) Where an Inquiry is initiated, suo motu by the appropriate Government the appropriate Government shall send to the notary a statement specifying the charge or charges against him, together with particulars of the oral or documentary evidence relied upon in support of such charge or charges.]

(5) [A notary against whom an inquiry has been initiated may, within fourteen days of the service on him of a copy of the complaint under sub-rule (4) or of the statement of the charges under sub-rule (4A) as the case maybe,] or within such time as may be extended by the appropriate Government, forward to that Government a written statement in his defence verified in the same manner as a pleading in a civil court.



(6) If on a persual of [the written statement,] if any, of the notary concerned and other relevant documents and papers, the appropriate Government consider that there is a prima facie case against such notary, the appropriate Government shall cause an Inquiry to be made in the matter by the competent authority. If the appropriate Government is of the opinion that there is no prima facie case against the notary concerned, [the complaint or charge shall be filed] and the complainant and the notary concerned shall be informed accordingly.

7. Every notice issued to a notary under this rule shall be sent to him by registered post. If any such notice is returned unserved with an endorsement indicating that the addressee has refused to accept the notice or the notice is not returned unserved within a Period of thirty days from the date of its dispatch, the notice shall be deemed to have been duly served upon the notary.]

8. It shall be the duty of the appropriate Government to place before the competent authority all facts brought to its knowledge which are relevant for the purpose of an inquiry by the competent authority.

9. A notary who is proceeded against shall have right to defend himself before the competent authority either in person or through a legal practitioner or any other notary.

10. Except as otherwise provided in these rules, the competent authority shall have the power to regulate his procedure relating to the inquiry in such manner as he considers necessary and during the course of inquiry, may examine witnesses and receive any other oral or documentary evidence.

11. The competent authority shall submit his report to the Government entrusting him with the inquiry.

12 (a) The appropriate Government shall consider the report of the competent authority, and if in its opinion a further inquiry is necessary, may cause such further inquiry to be made and a further report submitted by the competent authority.

(b) If after considering the report of the competent authority, the appropriate Government is of the opinion that action



should be taken against the notary the appropriate Government may make an order—

- (i) cancelling the certificate of practice and perpetually debarring the notary from practice; or
- (ii) suspending him from practice for a specified period; or
- (iii) letting him off with a warning, according to the nature and gravity of the misconduct of the notary proved.

(13) Notification of removal-The removal of the name of any notary from the Register of Notaries from practice, as the case may be, shall be notified in Official Gazette and shall also be communicated in writing to the notary concerned.]”

9. A careful perusal of the aforesaid Rule would show that an inquiry into the misconduct of a notary may be initiated either suo motu by the appropriate Government or on a complaint received in prescribed form and on the complaint so made, a copy of the complaint shall be sent to the notary in the given address and, thereafter, the notary has to forward a written statement in his defence verified in the same manner as a pleading in a civil court and if prima facie case is found against the notary on perusal of the written statement, the appropriate Government shall make inquiry and if no prima facie case is found, the case shall be filed and the complainant and the notary shall be informed accordingly. The manner of sending notice has also been prescribed in the Rules. Sub-rule (9) of Rule 13 of the Rules, 1956 clearly prescribes that notary shall have a right to defend himself before the competent authority either in person or through a legal practitioner or any other notary and also by virtue of sub-rule (10), he is entitled to examine witnesses and adduce evidence.

10. A careful perusal of the return filed by the State and the order passed by the State Government would show that none of the rules stated herein-above was followed by the State while passing the impugned order. The petitioner's notary



certificate has been cancelled, which is contrary to Rule 13 of the Rules, 1956, as neither the complaint was forwarded nor the defence was called, even no inquiry was made and the petitioner was not given opportunity to defend himself and the complaint was not in prescribed form. Therefore, the order passed by the State Government is in teeth of the provisions contained in Rule 13 of the Rules, 1956 (see **S.L. Gupta v. State of Chhattisgarh** reported in **2011 (1) MPHT (Chh) 92**).

11. Perusal of record further shows that notary licence of the petitioner was renewed vide order dated 15.01.2013 (Annexure P-4) and it was renewed for a further period of five years i.e. from 23.12.2013 to 22.12.2018. Thereafter, Application (Annexure P-5) for renewal of notary licence was filed by the petitioner on 23.12.2018, thus, he has already filed application for renewal of his notary licence within stipulated period, as has been prescribed in second proviso to Rule 8B of the Notaries Rules, 1956.

12. Considering facts of the case, nature of reliefs, submissions of counsel for the parties, particularly the provision as contained under Section 10 of the Act of 1952 & Rule 13 of the Rules of 1956, further considering the decisions/orders dated 09.10.2023 & 17.03.2025 passed by this Court in WPC No.3066/2022 & WPC No.4604/2024, this Court is inclined to allow this writ petition.

13. Accordingly, writ petition is allowed. Impugned order dated 20.04.2022 (Annexure P/1) is hereby set-aside. Respondent-Authority concerned is directed to re-consider the case of the petitioner for renewal of certificate of the Notary strictly in accordance with law/rules and in the light of the relevant provisions of the Notaries Act, 1952 & Notaries Rules, 1956 within a period of '60 days' from the date of receipt of a copy of this order.

14. Pending interlocutory application(s), if any, also stands disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge