



2026:CGHC:10492-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 641 of 2025

Mrs. Vimla Sharma D/o Late Beni Madhav Sharma Aged About 71 Years
Occupation - Advocate Notary R/o Lattipara Kanker, Tahsil Kanker, District
Uttar-Bastar-Kanker (C.G.)

... Appellant

versus

**1 - State of Chhattisgarh, Through The Secretary, Department Of Law And
Legislative Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur,
District -Raipur (C.G.)**

**2 - District And Session Judge Uttar-Bastar-Kanker, District -Uttar-Bastar-
Kanker (C.G.)**

**3 - Mrs. Radha Shrivastava W/o Divilal Shrivastava Aged About 62 Years R/o
Ward No. 2, Tulsi, Village Tilda Nevra, District -Raipur (C.G.)**

**4 - Mrs. Rukhmani Shrivastava W/o Bharat Lal Shrivastava Aged About 59
Years R/o Ward No. 2, Harrapadav, Keshkal, District- Uttar-Bastar-Kanker
(C.G.)**

---- Respondent(s)

(Cause title taken from Case Information System)

For Appellant	:	Mr. Sudhir Verma, Advocate
For Respondent No.1/State	:	Mr. Prasun Bhaduri, learned Deputy Advocate General
For Respondent No.2	:	Mr. Ashish Tiwari, Advocate



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, C.J.

28/02/2026

1. This Writ Appeal has been preferred under Section 2 of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 by the appellant challenging the order dated 10.07.2025 (Annexure A/1) passed by the learned Single Judge in W.P.(S) No. 5468 of 2024, whereby the writ petition filed by the present appellant came to be dismissed. The appellant, who is a practicing Advocate and Notary, calls in question the legality and validity of the order dated 05.09.2024 issued by the respondent–State Government removing her name from the Register of Notaries, purportedly in exercise of powers under the Notaries Act, 1952 and the Notaries Rules, 1956. The principal grievance raised in the present appeal is that the learned Single Judge failed to appreciate the mandatory requirements prescribed under Rule 13 of the Notaries Rules, 1956, particularly with regard to the form and contents of the complaint and the procedure to be followed by the appropriate Government, and thereby erred in upholding the action of the State Government.
2. The facts of the case as emerges from the pleadings of the present appeal are that, the appellant is a duly appointed Notary, practicing as an Advocate and Notary at Kanker, District Uttar Bastar Kanker (C.G.). She has been discharging her professional duties in accordance with the provisions of the Notaries Act, 1952 and the Notaries Rules, 1956.



A written complaint dated 04.08.2022 was submitted by respondent No. 3 – Smt. Radha Shrivastava before the Department of Law & Legislative Affairs, Government of Chhattisgarh, alleging that a consent letter purportedly executed in favour of respondent No. 4 – Smt. Rukhmani Shrivastava was fraudulently notarized by the appellant. The said complaint is annexed as Annexure P/6 in the writ petition.

Pursuant to the said complaint, the State Government issued Memo dated 25.08.2022 directing the District & Sessions Judge, Uttar Bastar Kanker (respondent No. 2) to obtain a reply from the appellant and to conduct necessary inquiry. In compliance thereof, respondent No. 2 issued Memo dated 14.10.2022 calling upon the appellant to submit her reply. The appellant submitted her detailed reply dated 21.10.2022 denying all allegations and asserting that the consent letter was duly executed in her presence after proper identification of the executants. Thereafter, respondent No. 3 was appointed as Inquiry Officer, who conducted an inquiry into the allegations. During the inquiry, statements of the complainant Smt. Radha Shrivastava and her sister Smt. Rukhmani Shrivastava were recorded. The Inquiry Officer prepared an inquiry report dated 17.03.2023 primarily on the basis of the statements of the complainant and her sister, as well as the written reply submitted by the appellant.

The Inquiry Officer, vide opinion dated 03.06.2023, opined that the appellant had not performed her duties carefully and impartially while notarizing the consent letter in question. The opinion was



forwarded to respondent No. 1 through respondent No. 2 vide Memo dated 12.06.2023. It is the specific case of the appellant that the consent letter in question was executed on 07.02.2022 in her presence. The complainant Smt. Radha Shrivastava and Smt. Rukhmani Shrivastava signed the document in her presence, and the same was entered at Serial No. 161 in the Notary Register maintained by the appellant. The relevant page of the Notary Register has been brought on record as Annexure P/13.

The appellant has contended that the sole attesting witness to the consent letter, namely Shri Kamal Shrivastava, was neither examined by the Inquiry Officer nor summoned during the course of inquiry. Subsequently, an affidavit sworn by Shri Kamal Shrivastava on 16.10.2024 was filed before this Hon'ble Court stating that both executants were present before the appellant at the time of execution and notarization of the consent letter and that he had identified them before the appellant. It is further the case of the appellant that the complaint dated 04.08.2022 was not in Form XIII as prescribed under Rule 13 of the Notaries Rules, 1956 and did not disclose the oral or documentary evidence relied upon in support of the allegations, as mandated under Rule 13(2)(b). Despite such non-compliance, the State Government did not return the complaint as required under Rule 13(3), and proceeded with the inquiry. Thereafter, respondent No. 1 passed Order No. 3018/2257/21-B/C.G./2024 dated 05.09.2024 removing the name of the appellant from the Register of Notaries, thereby debarring her from functioning as a Notary.



Aggrieved by the said removal order, the appellant initially preferred W.P.(C) No. 5253/2024 before this Hon'ble Court, which was withdrawn with liberty to file a better constituted petition, vide order dated 21.10.2024. Thereafter, the appellant filed W.P.(S) No. 5468/2024 challenging the removal order primarily on the grounds of non-compliance with mandatory provisions of Rule 13 of the Notaries Rules, 1956 and violation of principles of natural justice. However, the learned Single Judge, vide order dated 10.07.2025, dismissed the writ petition holding that due inquiry was conducted and sufficient opportunity of hearing was granted.

Being aggrieved by the order of the learned Single Judge dated 10.07.2025, and contending that the mandatory procedural safeguards under the Notaries Rules, 1956 were not adhered to and that material evidence was not properly appreciated, the appellant has preferred the present Writ Appeal.

3. Mr. Sudhir Verma, learned counsel appearing for the appellant submits that, the entire disciplinary proceedings initiated against the appellant are vitiated on account of non-compliance with the mandatory provisions of Rule 13 of the Notaries Rules, 1956 framed under the Notaries Act, 1952. It is contended that Rule 13(1), (2) and (3) prescribe a statutory procedure which is mandatory in nature and binding upon the appropriate Government. Any deviation therefrom renders the proceedings void ab initio. It is submitted that Rule 13(1) clearly provides 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 Form XIII. In the present case, the proceedings were not initiated suo motu. They were initiated on the basis of a complaint dated 05.08.2022 (Annexure P/6). Admittedly, the said complaint is not in Form XIII as prescribed under the Rules. Therefore, the very initiation of inquiry proceedings is contrary to Rule 13(1).

Learned counsel further submits that Rule 13(2) mandates that every complaint shall contain specific particulars, including under clause (b), “the oral or documentary evidence relied upon in support of the allegations made in the complaint.” A bare perusal of Annexure P/6 would show that the complaint does not disclose any oral or documentary evidence relied upon by the complainant. There is no specification of documents, nor any reference to supporting material. Thus, the complaint is in clear violation of Rule 13(2)(b). It is further contended that Rule 13(3) uses the expression “shall return a complaint which is not in the proper Form or which does not contain the aforesaid particulars”. The use of the word “shall” makes the provision mandatory. Therefore, once the complaint was not in Form XIII and did not contain the mandatory particulars, the appropriate Government was statutorily bound to return the complaint to the complainant for rectification. Instead of doing so, the State proceeded with the inquiry, thereby vitiating the entire process.

Learned counsel submits that the learned Single Judge has failed to appreciate the mandatory nature of Rule 13 and has erroneously held that the inquiry was conducted in accordance with law. The finding that due enquiry was conducted and sufficient opportunity



of hearing was granted is factually incorrect and contrary to the record. It is further submitted that the core allegation in the complaint was that Smt. Radha Shrivastava was not present before the appellant at the time of notarization of the consent letter dated 07.02.2022 (Annexure P/7). However, the Inquiry Officer, in para 02 of the opinion dated 03.06.2023 (Annexure P/2), has clearly recorded that it cannot be concluded that the complainant was not present before the Notary at the time of notarization. Thus, even the Inquiry Officer's opinion does not conclusively establish misconduct.

Learned counsel further submits that the consent letter (Annexure P/7) bears only one attesting witness, namely Shri Kamal Shrivastava. Despite being the sole independent witness to the execution and notarization of the document, he was not examined by the Inquiry Officer. The appellant herself was also not examined during the inquiry proceedings. Therefore, the finding of the learned Single Judge that witnesses were examined and sufficient opportunity was granted is perverse and contrary to the material available on record. It is argued that when the sole attesting witness was not examined and the appellant was not afforded an effective opportunity to substantiate her defence, the inquiry stands vitiated for violation of principles of natural justice. The impugned removal order dated 05.09.2024, as well as the order dated 10.07.2025 dismissing the writ petition, suffer from non-consideration of material evidence and misapplication of statutory provisions.

Learned counsel submits that once the mandatory procedural



safeguards under Rule 13 were not followed, the entire proceedings culminating in the removal of the appellant's name from the Register of Notaries are unsustainable in law. The impugned orders are arbitrary, illegal and liable to be quashed. In view of the aforesaid submissions, it is humbly prayed that this Hon'ble Court may be pleased to allow the present writ appeal, quash and set aside the order dated 10.07.2025 passed by the learned Single Judge and the removal order dated 05.09.2024, and direct restoration of the appellant's name in the Register of Notaries, in the interest of justice.

4. Mr. Prasun Bhaduri, learned Deputy Advocate General appearing for the State submits that the present Writ Appeal is devoid of merit and deserves to be dismissed, as the order dated 10.07.2025 passed by the learned Single Judge calls for no interference. The learned Single Judge has rightly upheld the order dated 05.09.2024 passed by the State Government under Section 10(d) of the Notaries Act, 1952. It is submitted that the proceedings against the appellant were initiated upon receipt of a complaint made by Smt. Radha Shrivastava alleging serious misconduct on the part of the appellant in notarizing a consent letter purportedly executed in favour of her sister. The allegation was that no such consent was ever given by the complainant and that her signature had been misused for the purpose of transferring land in revenue records. The allegations were grave in nature and involved misuse of notarial functions. Upon receipt of the complaint, the State Government, being the "appropriate Government" within the meaning of the Act of 1952, took cognizance and directed the District & Sessions Judge, North Bastar, Kanker, to conduct an inquiry and submit a report.



The inquiry was thus conducted strictly in accordance with the statutory scheme contemplated under Rule 13 of the Notaries Rules, 1956.

Learned counsel submits that Rule 13(1) clearly empowers the appropriate Government to initiate an inquiry either suo motu or on a complaint received in Form XIII. In the present case, the complaint was received and inquiry was ordered. Merely because the appellant alleges some defect in the format of the complaint does not render the proceedings void, particularly when the State Government was otherwise competent to initiate inquiry suo motu upon receiving information regarding misconduct. It is further submitted that during the inquiry proceedings, statements of the complainant and other concerned persons were recorded. The appellant was also given opportunity to submit her reply and participate in the proceedings. The Inquiry Officer examined the material placed on record and, after due consideration, recorded categorical findings that the appellant had failed to discharge her duties carefully and impartially. It is specifically contended that the Inquiry Officer found that the appellant had not produced the Notarial Register in the manner required under Rule 11(2) and 11(4) of the Notaries Rules, 1956. Rule 11 mandates that every notary shall maintain a Notarial Register in prescribed Form XV and certify the number of pages before bringing it into use. The maintenance of such register is not a mere formality but a statutory safeguard to ensure transparency and authenticity of notarial acts.

Learned counsel submits that the inquiry revealed procedural lapses in the discharge of notarial duties, including failure to ensure



proper compliance with statutory requirements while notarizing the document in question. A Notary performs quasi-public functions and is expected to exercise due diligence in verifying identity and ensuring genuineness of execution. Any negligence in this regard directly affects public interest. It is further submitted that upon receipt of the inquiry report and subsequent opinion of the Inquiry Officer, the State Government, after due application of mind, exercised its powers under Section 10(d) of the Notaries Act, 1952 and passed the order dated 05.09.2024 removing the name of the appellant from the Register of Notaries, having found her guilty of professional misconduct rendering her unfit to practise as a Notary.

Learned counsel submits that the scope of judicial review in such matters is limited. This Hon'ble Court, in exercise of writ jurisdiction, does not sit as an appellate authority over findings of fact recorded in a duly conducted departmental inquiry. Unless the findings are shown to be perverse or the procedure adopted is in flagrant violation of statutory provisions or principles of natural justice, interference is not warranted. It is submitted that the learned Single Judge, after considering the statutory framework and the material placed on record, has rightly held that the inquiry was conducted in accordance with Rule 13 of the Rules of 1956 and that sufficient opportunity of hearing was afforded to the appellant. The findings recorded are based on material evidence and cannot be termed arbitrary.

The contention of the appellant that the complaint ought to have been returned under Rule 13(3) is misconceived. Even assuming



arguendo that there was any technical defect in the form of the complaint, the appropriate Government is empowered to initiate inquiry suo motu upon receiving information regarding misconduct. Therefore, the proceedings cannot be invalidated on hyper-technical grounds. In view of the above submissions, it is most respectfully prayed that this Hon'ble Court may be pleased to dismiss the present Writ Appeal, affirm the order dated 10.07.2025 passed by the learned Single Judge, and uphold the removal order dated 05.09.2024 passed by the State Government, in the interest of justice.

5. Mr. Ashish Tiwari, learned counsel appearing for respondent No. 2, submits that respondent No. 2 has acted strictly in accordance with the directions issued by the State Government and within the limited administrative jurisdiction conferred under the statutory scheme of the Notaries Act, 1952 and the Notaries Rules, 1956. It is contended that respondent No. 2 neither initiated the proceedings independently nor passed the final order of removal; rather, upon receipt of Memo dated 25.08.2022 from the appropriate Government, respondent No. 2 merely facilitated the preliminary process by calling for the appellant's reply and forwarding the matter for inquiry as directed. The role of respondent No. 2 was thus recommendatory and procedural in nature, without any adjudicatory authority to determine guilt or impose penalty.

Learned counsel submits that pursuant to the direction of the State Government, notice was duly issued to the appellant, affording her an opportunity to submit a detailed reply to the allegations. The appellant, in fact, submitted her written explanation, which was duly



taken on record and considered during the inquiry. The records, statements, and relevant materials were compiled and transmitted to the State Government along with the inquiry report and opinion of the Inquiry Officer. At no stage did respondent No. 2 act in excess of jurisdiction or in violation of principles of natural justice. The entire exercise undertaken by respondent No. 2 was administrative assistance to the appropriate Government, which alone is empowered under Section 10 of the Act of 1952 to take a final decision regarding removal of a Notary from the Register.

It is further submitted that respondent No. 2 has no personal stake in the outcome of the present litigation. The impugned removal order dated 05.09.2024 has been passed exclusively by the State Government after independent consideration of the inquiry report. Therefore, no relief, as prayed for by the appellant, can be claimed against respondent No. 2. In these circumstances, respondent No. 2 prays that the present appeal, insofar as it concerns respondent No. 2, is misconceived and deserves to be dismissed.

6. We have heard learned counsel for the parties and perused the documents annexed with the writ appeal as well as the writ petition.
7. Having heard learned counsel for the parties at length and upon perusal of the record, this Court finds that the central issue involved in the present appeal is whether the disciplinary proceedings initiated against the appellant were conducted in strict conformity with Rule 13 of the Notaries Rules, 1956 framed under the Notaries Act, 1952. Rule 13 prescribes the statutory mechanism for initiation and conduct of



inquiry against a Notary on allegations of professional misconduct. The language employed in sub-rules (1), (2) and (3) is explicit and procedural safeguards embedded therein are not ornamental but mandatory in character, as they operate as conditions precedent to the assumption of jurisdiction by the appropriate Government.

8. In the present case, the proceedings were admittedly initiated on the basis of a written complaint submitted by respondent No. 3. The said complaint, however, was not in Form XIII as prescribed under Rule 13(1). Further, Rule 13(2)(b) mandates that every complaint shall disclose the oral or documentary evidence relied upon in support of the allegations. A plain reading of the complaint placed on record does not demonstrate compliance with the said requirement. Rule 13(3) further stipulates that a complaint not in proper form or lacking requisite particulars “shall” be returned to the complainant. The expression “shall” employed therein leaves no discretion with the authority and renders the requirement mandatory. Non-compliance with these foundational procedural stipulations vitiates the very initiation of inquiry.
9. The contention advanced on behalf of the State that the appropriate Government could have proceeded suo motu cannot cure the defect in the present case, for the record does not indicate that the proceedings were consciously initiated in exercise of suo motu jurisdiction independent of the complaint. On the contrary, the entire inquiry traces its origin to the complaint in question. When a statute prescribes a specific procedure for initiating disciplinary action affecting civil consequences such as removal from the Register of Notaries under



Section 10 of the Act of 1952 the authority is bound to adhere strictly to such procedure.

10. It is further evident from the material on record that the sole attesting witness to the disputed consent letter was not examined during the inquiry. The Inquiry Officer himself recorded that it could not be conclusively established that the complainant was not present at the time of notarization. Despite such inconclusive findings, the extreme penalty of removal was imposed. The impugned order dated 05.09.2024 does not reflect adequate consideration of material aspects nor does it record cogent reasons demonstrating how the statutory threshold for misconduct stood satisfied. The learned Single Judge, while dismissing the writ petition, has not adverted in detail to the mandatory nature of Rule 13 nor examined the legal consequence of non-compliance thereof.
11. This Court is conscious of the limited scope of judicial review in disciplinary matters. However, when the very initiation of proceedings is contrary to the prescribed statutory framework and when procedural safeguards are bypassed, the resultant order cannot be sustained. The impugned order passed by the State Government, as well as the order dated 10.07.2025 passed by the learned Single Judge affirming the same, therefore suffer from legal infirmity.
12. It transpires from the record that notices were issued to respondents No. 2 to 4 in the present appeal. The notice issued to respondent No. 3 – Mrs. Radha Shrivastava (complainant) has been duly served. However, due to certain technical reasons, the notice issued to



respondent No. 4 – Mrs. Rukhmani Shrivastava has been returned unserved and she has failed to appear. It is noteworthy that respondent No. 4 is the beneficiary of the consent letter in question and was a party in the writ petition before the learned Single Judge, where she was duly represented by counsel and had filed her reply. In the considered opinion of this Court, her non-appearance in the present appeal, in the given circumstances, does not preclude adjudication on merits.

13. In view of the foregoing analysis, the present Writ Appeal deserves to be allowed. Accordingly, the order dated 10.07.2025 passed by the learned Single Judge in W.P.(S) No. 5468 of 2024 and the order dated 05.09.2024 passed by the State Government removing the name of the appellant from the Register of Notaries are hereby quashed and set aside.
14. The matter is remanded back to the authorities concerned to decide the matter afresh by passing a reasoned order strictly in accordance with the provisions of Rule 13 of the Notaries Rules, 1956, after ensuring due compliance with the prescribed procedure and affording adequate opportunity of hearing to all concerned parties. The respondent No. 4 is at liberty to avail appropriate remedy in accordance with law, if aggrieved by this order.
15. The appeal stands **allowed** in the above terms. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

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