
(1995) 11 MP CK 0036
In the Madhya Pradesh High Court
Case No : M.P. No. 1049 of 1992

N.K. Paliwal

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 01-11-1995

Acts Referred:

Constitution of India, 1950 — Article 14
Notaries Act, 1952 — Section 15
Notaries Rules, 1956 — Rule 7(1)

Citation : AIR 1996 MP 90

Hon'ble Judges : Tejinder Singh Doabia, J

Bench : Single Bench

Advocate : Arun Mishra, for the Appellant; K.B. Chaturvedi, Government Advocate, for the Respondent

Judgement

T.S. Doabia, J.—Heard.

2. The petitioner has filed this petition asserting that he is now practising at Pohri. Earlier, he was practising at Shivpuri. He wanted to be appointed as a Notary. He submitted an application on 5th of Dec. 1991. Instead of appointing the petitioner as "Notary", another advocate, namely, Ram-sewak Gupta was so appointed. It is this appointment which is being challenged.

3. The challenge is made on the ground that under Rule 7(1) of the Notaries Rules, 1956, an inquiry is required to be held by the competent authority and in case some material is there to reject the candidature of the person then he should be given an opportunity. The candidature of the petitioner was rejected on the ground that he was not residing at Pohri. This fact is disputed by the petitioner.

4. Rule 7(1) of the Notaries Rules, 1956 provides that the competent authority should hold an inquiry and the applicant should be given an opportunity to meet the objections. This rule reads as under:-

"The Competent Authority shall, after holding such inquiry as he thinks fit and after giving the applicant an opportunity of making his representations against the objections, if any, received within the time fixed under Sub-rule (2) of Rule 6, make a report to the appropriate Government recommending either that the application may be allowed for the whole or any part of the area to which the applicant relates or that it may be rejected."

5. A plain reading of the rule thus quoted supports the contention of the petitioner. As such, the competent authority would give an opportunity of hearing to the petitioner and take such action as may be permissible under the law. In case something is to be said in favour of the petitioner, then appropriate report be sent to the Government. It is, however, made clear that so far as appointment of Ramsewak Gupta is concerned that would not be affected by any observation made in this order or any inquiry which may be held by the competent authority.