

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15th DAY OF JULY 2011

BEFORE

THE HON'BLE MR.JUSTICE MOHAN SHANTANAGOUDAR

W.P.NO.8683 OF 2010 (GM-RES)

BETWEEN:

SMT SHAHTAJ
W/O SHABBIR KHAN
AGED ABOUT 49 YEARS
ADVOCATE(EX-NOTARY)
R/AT MAIN ROAD,
GUDIBANDA TOWN
CHICKBALLAPUR DISTRICT

... PETITIONER

(By Sri.: Y H VIJAY KUMAR, ADV.,)

AND

1. THE STATE OF KARNATAKA
DEPARTMENT OF LAW
VIDHANA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE
REP. BY ITS SECRETARY TO GOVERNMENT
BANGALORE CITY
2. UNDER SECRETARY TO GOVERNMENT
DEPARTMENT OF LAW
VIDHANA SOUDHA,
DR. AMBEDKAR VEEDHI
BANGALORE CITY

... RESPONDENTS

(By Smt :M.C. NAGASHREE, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY THE SECOND RESPONDENT PRODUCED AS ANNEXURE-A VIDE GOVERNMENT ORDER DATED 11.11.2003.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner has sought for quashing the order Annexure-A passed by Government of Karnataka, by which, the petitioner is removed from the Registrar of Notaries permanently.

2. The records reveal that the petitioner was appointed as Notary on 29.10.1998 under the provisions of Notaries Act to work as such in Gudibanda Taluk. Some of the persons lodged complaint against the petitioner alleging illegalities committed by the petitioner in exercise of her jurisdiction as Notary. It is alleged that the petitioner was collecting additional fees, does not affix the stamp, does not issue receipt for having collected the

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fee etc. Enquiry was conducted by the District Judge, Kolar, who has given a report to the effect that the Notary has violated the provisions of Notaries Act and Regulations. During the course of enquiry, it was found by the District Judge that the Notary has failed to keepup the registers according to the numbers, inasmuch as, she did not maintain registers in orderly manner; she failed to perform her duty/obligation; she was doing her duty even after lapse/completion of period mentioned in the declaration letter. The allegations made against the Notary on enquiry by District Judge was found to be true. Based on the factual findings, the State Government has passed the impugned order removing the name of the petitioner from the Register of Notaries.

This Court does not find any ground to interfere in the impugned order, inasmuch as, the petitioner has not maintained the purity required to be maintained by the Notary. She has collected additional

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fees and she did not affix necessary stamps and did not issue receipts for having received fees. She did not maintain the registers also properly. Since the District Judge on facts has concluded that the allegations are true, the same need not be interfered with. The Notaries are expected to maintain absolute integrity. Certain important functions are assigned to the notaries. In this view of the matter, no leniency can be shown in favour of the petitioner.

3. Moreover, the impugned order is passed as back as on 11.11.2003, whereas, the writ petition is filed in the year 2010 i.e., after lapse of about seven years. Absolutely no reasons are forthcoming for condoning such long length of delay. Accordingly, writ petition fails and the same stands **dismissed** not only on the ground of delay and laches but also on merits.

Sd/-
JUDGE

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