

W.A. (MD) Nos. 1129 to 1134 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.A.(MD)Nos.1129 to 1134 of 2020

and

C.M.P. (MD)Nos.6212, 6213, 6214, 6215, 6217, 6219 of 2020

W.A.(MD)No.1129 of 2020:

The Government of India,
Ministry of Law and Justice,
Department of Legal Affairs (Notary Cell),
Shastri Bhavan,
New Delhi – 110 001.

Rep. by

The Joint Secretary and Legal Advisor

: Appellant

Vs.

R.Ravi Kumar

: Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 15.11.2019 made in W.P.(MD)No.4692 of 2019.

For Appellant

: Mr.R.Sankaranarayanan,

Assistant Solicitor General of India

for Mr.P.Subbiah

Central Government Senior Panel Counsel

In all appeals

For Respondent : Mr.N.Tamilmani
in W.A.(MD).1129, 1132 to 1134/2020

Mr.S.Vijayakumar
in W.A.(MD).1130/2020

Mr.I.Pinaygash
in W.A.(MD).1131/2020

COMMON JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

The appellant has raised a legal issue before us, namely, the application of Section 34 of the Right of Persons with Disabilities Act to a decision, making a Lawyer as a Notary.

2. The learned Assistant Solicitor General of India appearing for the appellant submitted that it is a privilege that is being conferred on a Lawyer and therefore, the provision, which is otherwise applicable to a public servant, cannot be extended.

3. The respective learned Counsel appearing for the writ petitioners submitted that factually there is no dispute with respect to the disability suffered

by the writ petitioners and therefore, to this extent, this Court will have to consider that appointing them as Notaries would help to sustain and improve their career.

4. Though, *prima facie*, we concur with the submission made by the learned Assistant Solicitor General of India, considering the facts and circumstances of the case, especially the fact that the writ petitioners are suffering from disabilities, we do not wish to interfere with the ultimate finding, while setting aside the reasoning of the learned Single Judge with respect to the scope and applicability of the provisions of the Act to the case of appointment of Notaries.

5. In such view of the matter, the appeals stand allowed in part, with respect to the findings rendered by the learned Single Judge on the scope and applicability of Section 34 of the Right of Persons with Disabilities Act to the case on hand. Resultantly, the relief granted to the writ petitioners stand confirmed. The appellant is directed to give effect to the order of the learned Single Judge within a period of eight weeks from the date of receipt of a copy of this judgment.

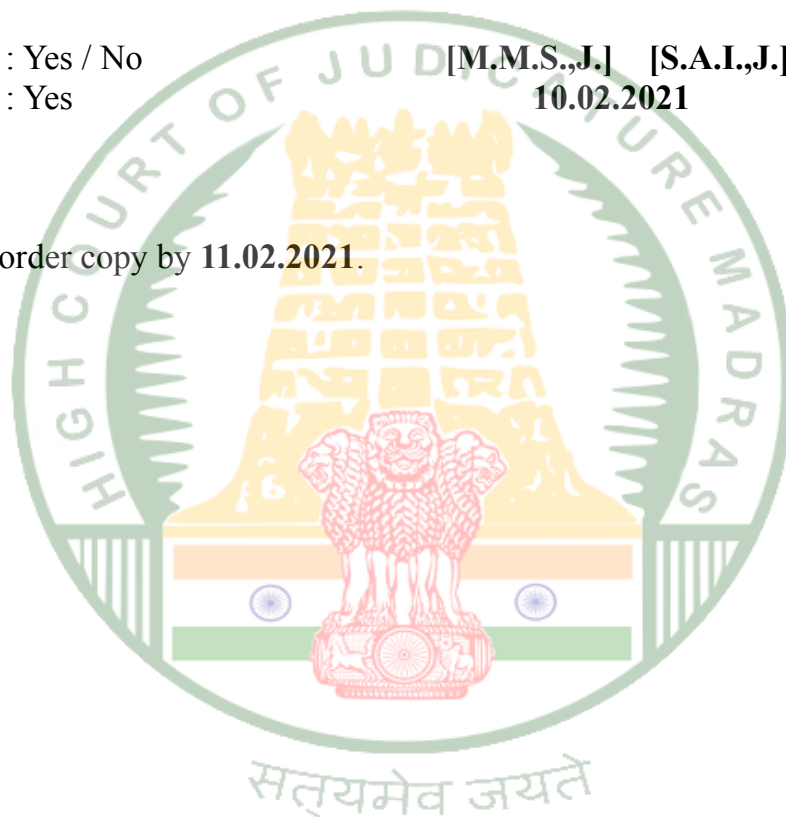
6. The question of law as to the applicability of the Act will be considered at the appropriate time, as we have recorded only our *prima facie* view. We further

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make it clear that this is a one time measurement only and therefore, this order cannot be quoted as a precedent. There shall be no order as to costs. Consequently, all the connected miscellaneous petitions are closed.

Index : Yes / No [M.M.S.,J.] [S.A.I.,J.]
Internet : Yes 10.02.2021
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Note:
Issue order copy by 11.02.2021.



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AND

S.ANANTHI, J.

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