

Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs.
(Notary Section) **Civil Secretariat**
Jammu/Srinagar

Subject: - Suspension of Certificate of Practice as a Notary.

Government Order No: 17694 -JK(LD) of 2023

Dated : 20 - 12 - 2023

Whereas, Mr. Tariq Mohd Bhat, R/o Wonigam, Dhobiwan has been appointed as the Notary Public in respect of the territorial jurisdiction of Munsiff Court, Tangmarg District Baramulla vide No. 479/2011 dated 10.08.2011.

Whereas, a complaint was received in this department against the above named Notary from one Mr. Manzoor Ahmad Khan R/o Malyan Tangmarg, Baramulla stating therein that Mr. Tariq Mohd Bhat, Notary Public R/o Wonigam, Dhobiwan practicing at Munsiff Court, Tangmarg District Baramulla has executed a divorce deed between him and his wife without any legal procedure, presence of the parties and also without the presence of the competent witnesses and that notary public has clearly violated his legal rights and has fraudulently executed/registered a divorce deed under his signature and seal.

Whereas, upon examination of the aforesaid complaint and having regard to the Rule 13(5) of the Notaries Rules, 1956, a copy of the complaint was forwarded to Mr. Tariq Mohd Bhat, Notary Public for furnishing a written statement in his defence.

Whereas, upon further examination of the complaint as also the response submitted by the aforesaid Notary in light of Rule-13 of the Notaries Rules, 1956, it was found that a prima-facie case for conduct of inquiry is made out against the Notary and accordingly, a full fledged

Inquiry as per the mandate of Sub-rule(6) of Rule-13 of the Notaries Rules,1956 was ordered by appointing Inquiry Officer in terms of Government Order No. 277-JK(LD) of 2023 dated 26.09.2023, to conduct an inquiry in respect of the allegations contained in the complaint.

Whereas, the Inquiry Officer after providing the opportunity of being heard to the complainant as well as the above named Notary and upon considering the totality of the circumstances and after recording the statement of witnesses and considering the documents on record concluded that Mr. Tariq Ahmad Bhat, Public Notary has indulged in gross misconduct while attesting the document in question as he has not satisfied himself about its truthfulness and has not ensured the presence of all the parties before him. It was further observed that the document in question was not an ordinary document, as it has severed the relationship between the parties as such the notary public was bound to take extra care about identity of the executants/witnesses and should have made appropriate inquiries before its attestation so as to ensure that neither party is defrauding the other. The Inquiry Officer further observed that the Notary Public has not performed his duties properly and has failed to make appropriate inquiries to ensure that each of the parties in a transaction are executing document without any fear and duress and ensure that each signer is authentic, which appears to be missing in the present case. Accordingly, the Inquiry Officer recommended for suspension of the Certificate of practice of the aforesaid Notary in terms of the Sub-rule 12(b)(ii) of the Rule 13 of Notaries Rules, 1956.

Whereas, the aforesaid recommendations of the Inquiry Officer were placed before the Competent Authority and the said Authority after having regard to the overall circumstances of the case and also having regard to the recommendations of the Inquiry Officer decided to

suspend the Certificate of practice of the Notary for a period of six months in terms of Rule 13(12)(b)(ii) of Notaries Rules, 1956.

Now, therefore, for the reasons mentioned herein above, the Certificate of practice of notary namely Mr. Tariq Mohd Bhat, is hereby suspended for a period of six months with immediate effect.

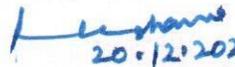
By order of the Government.

Sd/-
(Achal Sethi)
Secretary to Government
Dated: 20.12.2023

LAW-Ntry/93/2023-10-LAW

Copy to the :-

1. Registrar General, High Court of J&K and Ladakh.
2. Principal Secretary to Hon'ble Chief Justice, High Court of J&K and Ladakh.
3. Registrar Vigilance, High Court of J&K and Ladakh.
4. Principal Sessions Judge, Baramulla.
5. Director Information, J&K with the request for wider publicity of the order.
6. Deputy Commissioner, Baramulla.
7. Director Litigation, Kashmir.
8. Incharge Website, Department of Law, Justice and PA.
9. Concerned file.
10. Government Order file.


20.12.2023
(Binny Kumar)
Assistant Legal Remembrancer

20.12.2023