

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 930 of 2015 (R)

PETITIONER :

TALIPARAMBA BAR ASSOCIATION,
TALIPARAMBA. P.O.,
KANNUR DISTRICT-670 141, REPRESENTED BY
ITS PRESIDENT M.C.RAMACHANDRAN.

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM – 695 001.
2. THE ADDITIONAL CHIEF SECRETARY (HOME),
SECRETARIAT, THIRUVANANTHAPURAM – 695 001.
3. THE REGISTRAR (SUBORDINATE JUDICIARY),
HIGH COURT OF KERALA, ERNAKULAM – 682 031.

R3 BY ADV. SRI.B.UNNIKRISHNA KAIMAL
BY SR.GOVERNMENT PLEADER SRI.MUHAMMED SHAFI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 - A TRUE COPY OF THE LETTER DATED 20-5-2008 SUBMITTED BY THE JUDGE, MACT THALASSERY TO THE REGISTRAR (SUBORDINATE JUDICIARY) OF THIS HON'BLE COURT.
- EXT.P2 - A TRUE COPY OF THE LETTER NO.D7-16096/2010 DATED 6-4-2011 ISSUED BY THE REGISTRAR (SUBORDINATE JUDICIARY) TO THE GOVERNMENT.
- EXT.P3 - A TRUE COPY OF THE REPRESENTATION DATED 23-6-2012 SUBMITTED BY THE BAR ASSOCIATION BEFORE THIS COURT.
- EXT.P4 - A TRUE COPY OF THE REPRESENTATION DATED 11-6-2013 SUBMITTED BY THE BAR ASSOCIATION BEFORE THIS COURT.
- EXT.P5 - A TRUE COPY OF THE LETTER NO.D7-16096/10/D7 (B) DATED 5-8-2013.
- EXT.P6 - A TRUE COPY OF THE LETTER DATED 26-2-2013 SUBMITTED BY THE BAR ASSOCIATION BEFORE THE GOVERNMENT.
- EXT.P7 - A TRUE COPY OF THE OFFICE MEMORANDUM DATED 21-8-2014 ISSUED BY THE ASSISTANT REGISTRAR OF THIS COURT TO THE DISTRICT JUDGE THALASSERY.
- EXT.P8 - A TRUE COPY OF THE REPLY DATED 3-9-2014 SUBMITTED BY THE DISTRICT JUDGE TO THE REGISTRAR (SUBORDINATE JUDICIARY).
- EXT.P9 - A TRUE COPY OF THE PROCEEDINGS HANDING OVER THE NEW COURT BUILDING TO THE MUNSIFF TALIPARAMBA.
- EXT.P10 - A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE BAR ASSOCIATION TO THE CHIEF MINISTER.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C).No.930 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner, the Taliparamba Bar Association, has approached this Court in this Writ Petition seeking a writ of mandamus commanding the first respondent to establish a Motor Accidents Claims Tribunal at Taliparamba in Kannur District, in the light of the request made by the third respondent in Exts.P2 and P5.

2. Going by the averments in the Writ Petition, the Motor Accidents Claims Tribunal having jurisdiction over the area is MACT, Thalassery, which was established in the year 1981 with 656 cases transferred from MACT, Kozhikode. Now the pendency of cases in MACT, Thalassery has gone up to 5000. On account of the difficulty faced by MACT, Thalassery, due to the volume of work, Ext.P1 request was made by the Presiding Officer of that Tribunal to the third respondent to take necessary steps to provide a revised staff pattern.

3. From Ext.P2 it is seen the third respondent has addressed the first respondent with a request to take necessary steps for establishing a Tribunal at Taliparamba. A reading of Ext.P2 would show that, since the Motor Accidents Claims in the entire District are being filed before MACT, Thalassery, the pendency of cases in that Tribunal is very high. The

request made in Ext.P2 was followed by Ext.P5 by which the first respondent was requested to re-consider the priority list and to establish a Tribunal at Taliparamba, on out of turn priority, as a special case. The grievance of the petitioner is that, the request made by the third respondent in Exts.P2 and P5 is still pending consideration before the first respondent.

4. I heard the arguments of the learned counsel for the petitioner, learned Senior Government Pleader appearing for respondents 1 and 2 and also learned Standing Counsel for the third respondent.

5. The learned counsel for the petitioner submitted that, for the time being, the petitioner would be satisfied if the first respondent is directed to consider the proposal made by the third respondent to establish a Tribunal at Taliparamba, as requested in Exts.P2 and P5.

6. The learned Standing Counsel for the third respondent brought to my notice a letter bearing No.D7(B)-16096/2010 dated 10.3.2015 of the third respondent addressed to the first respondent. A reading of the said letter would show that, the third respondent has informed the first respondent that, since the Subordinate Courts in the State lack even the required number of staff, there is no scope for re-deployment of staff and therefore, necessary steps to establish a Tribunal at Taliparamba with adequate staff, as requested in its letter dated 9.11.2012, may be considered.

7. A reading of Ext.P8 letter of the Presiding Officer of MACT, Thalassery, would show that the total number of cases pending before the Tribunal as on 28.8.2014 is 4790. If a Tribunal at Taliparamba is established, out of the 4790 cases 1247 cases can be transferred to that Tribunal. Ext.P9 would show that a new building has already been constructed in the Munsiff's Court premises at Taliparamba with a total plinth area of 1555 sq.mts. Relying on the said document, the learned counsel for the petitioner would contend that, if permission is granted for establishing a Tribunal at Taliparamba, the available space in the aforesaid building can be utilised for accommodating that Tribunal.

8. The learned counsel for the petitioner has submitted that the petitioner has submitted Ext.P10 representation before the Chief Minister, Government of Kerala and the same is now pending consideration before the Secretary to Government, Home Department.

9. In the facts and circumstances of the case, I find it appropriate to direct the first respondent to consider and pass appropriate orders on Ext.P10 representation submitted by the petitioner, taking into account the request made by the third respondent in Exts.P2 and P5.

10. In the result, this Writ Petition is disposed of directing the first respondent to consider and pass appropriate orders on Ext.P10 representation submitted by the petitioner, taking into account the request made by the third respondent in Exts.P2 and P5, as expeditiously as

possible, at any rate, within a period of two months from the date of receipt of a certified copy of this judgment. Needless to say that, such disposal of Ext.P10 representation shall be with notice to the petitioner and after affording the petitioner a reasonable opportunity of being heard.

No order as to cost.

ANIL K.NARENDRAN, JUDGE

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