



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

Taken up W.P.(MD).No.2267 of 2015

The Registrar (Administration)
Madurai Bench of Madras High Court,
Madurai.

... Petitioner

Vs.

1. The Principal Secretary
Government of Tamil Nadu
Home Department,
Fort St. George,
Chennai.

2. The Director General of Police (L&O)
Mylapore, Chennai - 4.

3. The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.

... Respondents

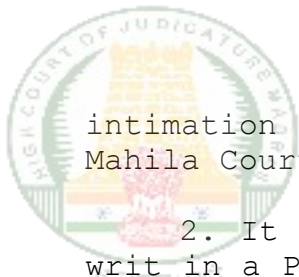
The Writ Petition is taken on file Suo Motu in regard to the letter dated:19.2.2015 from the sessions Judge, Fast Track Mahila court, Ramanathapuram District and the news items published in the Tamil Daily Dinamalar and English paper 'The Hindu' dated 20.2.2015, by invoking Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to direct the respondents to take action against those who have committed a violent act, which caused loss to the property and caused grievous injury on the person, the Sessions Judge (FTC, Mahila Court), Ramanathapuram and report compliance immediately.

For Respondents : Mr.A.K.Chellapandian, AAG
assisted by Mr.M.Alagathevan
Special Government Pleader

ORDER

(Order of the Court was made by **S.TAMILVANAN, J**)

With the delegated power of the Hon'ble Chief Justice of the High Court of Madras, the matter is disposed of by the Division Bench (Madurai) of the Madras High Court, on the suo motu action taken by this Bench, based on the news item published in various news papers on 22.02.2015 and the intimation received from the Judicial Officer, placed before the Bench by the Registrar (Administration, Madurai Bench. Considering the sensitive nature of attack on the District Judge, Fast Track Court, Mahila Court, Ramanathapuram, at his residence and also the



intimation received from the learned Sessions Judge, Fast Track Court, Mahila Court, Ramanathapuram, the suo motu action was initiated.

2. It is well settled that suo motu action could be taken by way of writ in a Public Interest Litigation only by the Hon'ble Chief Justice of the High Court or on the direction or delegation of power given by the Hon'ble the Chief Justice. This Bench has dealt with the present case and pass the final order on the delegation of power given by the Hon'ble Chief Justice of the High Court of Madras.

3. In this regard, the decision of the Three Judge Bench of the Hon'ble Supreme Court in **State of Rajasthan v. Prakash Chand**, reported in **AIR 1998 SC 1344** is relied on, wherein the Hon'ble Supreme Court has held that the administrative control of the High Court vests in the Chief Justice of the High Court alone and that it is his prerogative to distribute business of the High Court, both judicial and administrative. He alone has the right and power to decide how the Benches of the High Court are to be constituted; which Judge is to sit alone and which cases he can and is required to hear as also as to which Judges shall constitute a Division Bench and what work those Benches shall do. In other words the Judges of the High Court can sit alone or in Division Benches and do such work only as may be allotted to them by an order of or in accordance with the directions of the Hon'ble Chief Justice.

4. The Hon'ble Apex Court has categorically held that the administrative control of the High Court is vested only with the Chief Justice and it is the prerogative of the Chief Justice to distribute business of the High Court both judicial and administrative. Therefore, we are of the considered view that suo motu power could be exercised only by the Chief Justice in a Public Interest Litigation. No other Judge other than the Chief Justice can exercise such a power, without the direction of the Hon'ble Chief Justice in a Public Interest Litigation.

5. In **State of U.P v. Neeraj Chaubey**, reported in **(2010) 10 SCC 320**, the Hon'ble Supreme Court has held in paragraph 9 that the High Court having taken note of various judgments of the Supreme Court in the decision in **State of Maharashtra v. Narayan Shamrao Puranik** (1982) 2 SCC 440; **Inder Mani v. Matheshwari Prasad** (1996) 6 SCC 587; **State of Rajasthan v. Prakash Chand** (1998) 1 SCC 1; **R.Rathinam v. State**, (2000) 2 SCC 391; **Jasbir Singh v. State of Punjab**, (2006) 8 SCC 294 and the judgments of various High Courts, came to the conclusion that the Chief Justice is the master of roster. It is further held that the Chief Justice has full power, authority and jurisdiction in the matter of allocation of business of the High Court which flows not only from the provisions contained in sub-section (3) of Section 51 of the States Reorganisation Act, 1956, but inheres in him in the very nature of things. The Chief Justice enjoys a special status and he alone can assign work to a Judge sitting alone and to the Judges sitting in Division Bench or Full Bench and he has jurisdiction to decide which case will be heard by which Bench.

6. The First Bench of this Court in the decision in a Suo Motu W.P.No.8022 of 2011, dated 28.03.2011, The Chief Election Commissioner and others has held as follows :

"Before going into the merits of the case, we would



like to express our view with regard to the power of the Hon'ble Judges in initiating writ proceeding suo motu. There is no dispute that initiation of writ proceeding, suo motu, in public interest, is within the competence of every Hon'ble Judge of this Court, which is the integral part of the Constitutional scheme. But, such power is required to be exercised and regulated in accordance with the rules made by the High Court and the norms set keeping in view the administrative instructions issued and roster of sitting prepared by the Chief Justice. While exercising suo motu power of exercising public interest litigation, self-restraint and judicious exercise is expected to be borne in mind. It would be appreciated that as and when any matter of public importance is sought to be brought to the notice of the Court, a reference may be made to the Chief Justice for initiation of action. After such reference is made by any Hon'ble Judge to the Chief Justice for initiation of action, the Chief Justice will examine the matter according to the guidelines formulated by the Supreme Court and after the matter is examined, the same can be placed before the appropriate Bench in accordance with the directive issued in that regard by the Chief Justice for further necessary action."

7. Pursuant to the earlier order passed by this Court, the Inspector General of Police (Welfare), Chennai has filed an affidavit on behalf of the respondents, wherein he has specifically stated about the protection being given to all the Judicial Officers in the State and also to the High Court premises as well as the residences of the Judicial Officers and Judges.

8. Mr.K.Chellapandian, learned Additional Advocate General submits that the Director General of Police (Law and Order), after consulting the Principal Secretary to Home Department, the first respondent herein, has given assurance that proper protection will be given to all the Judicial Officers and Judges, especially who are dealing with sensitive matters.

9. However, it is brought to the notice of this Court that similar incident has been occurred to a lady Judicial Officer at Nagapattinam, after sustaining injury, the lady Judicial Officer was admitted to hospital as an inpatient. The said incident is disheartening, though statistical data produced by the respondents would show that number of police personnel are being deployed, considering the safety of the Judicial Officers and Judges. It cannot be disputed that quality is more than quantity in any work or assignment, merely posting number of personnels from Uniformed Services would not serve the purpose, unless they are vigil and alert in attending their duty in providing security to the Judicial Officers, especially who are dealing with sensitive matters.

10. Having considered the assurance given by the learned Additional Advocate General and the report filed by the Inspector General of Police (Welfare), Chennai, we find it reasonable to dispose of this writ



petition, directing the respondents to provide proper training to the police officers, who are deployed or deputed for the security and protection of Judicial Officers and Judges and we direct periodical Inspection shall be done by the superior officials to verify whether the officials are properly attending duty or otherwise in discharging their duty.

WEB COPY The writ petition is disposed of with the above observation. No order as to costs. The Registry is directed to send copy of the order to the respondents through the Additional Advocate General, who appeared for them before this Bench.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary
Government of Tamil Nadu
Home Department,
Fort St. George, Chennai.
2. The Director General of Police (L&O)
Mylapore, Chennai - 4.
3. The Superintendent of Police
Ramanathapuram District,
Ramanathapuram.

Copy to The Additional Advocate General,
Madurai Bench of Madras High court, Madurai.

+1cc to Special Government Pleader in SR.No. 14519

Sm:11.05.2015:4P/6C

sms

Taken up
W.P (MD) No.2267 of 2015
24.03.2015