



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P.(MD)No.2511 of 2015

S.Jeyaram Raja

...Petitioner

Vs.

1.The Registrar (Vigilance),
Madras High Court,
Chennai 104.

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

3.The Principal District Judge,
District Court, Madurai.

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to trace out the bundle and to restore the suit in O.S.No.302 of 1988 pending on the file of the I Additional Sub Court, Madurai, within a time frame that may be fixed by this Court and post the same for further hearing and to dispose of the same in an expeditious manner.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.D.Venkatesh

O R D E R

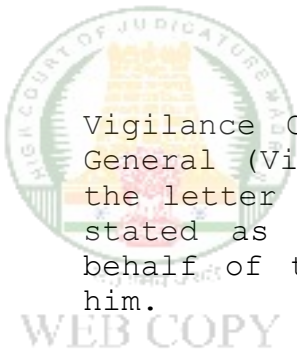
(Order of this Court was made by S.TAMILVANAN,J.)

The Writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the respondents to trace out the suit bundle in O.S.No.302 of 1988 and restore the same on the file of the I Additional Sub Court, Madurai, within a time frame and to dispose of the same in an expeditious manner.

2.Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondents 1 to 3.

3.Learned counsel appearing for the petitioner submitted that the petitioner is the plaintiff in the suit in O.S.No.302 of 1988, which is pending before the I Additional Sub Court, Madurai. However, it was not posted subsequently before the Court and when the petitioner enquired the same, it was informed that the bundle relating to the suit was missing.

4.Learned counsel appearing for the petitioner drew the attention of this Court to page No.148 of the typed set of papers, in which, a copy of the writ petition was addressed to the Registrar General (Vigilance), Madras High Court, Chennai and others. Though there is no post of Registrar General (Vigilance) available in Madras High Court and no Special Officer,



Vigilance Cell, the petitioner has addressed the letters to Registrar General (Vigilance) and also Special Officer Vigilance Cell. Therefore, the letter addressed with incorrect designations. However, the letter is stated as addressed by Advocates of DRT Legal Solutions, Madurai on behalf of the petitioner and the reason for the same is best known to him.

5.If a Writ petition is filed against the High Court, it should be represented by the Registrar General, High Court of Madras, Chennai and the petitioner cannot file the Writ petition against the Registrar (Vigilance) or Registrar (Judicial) of the High Court and it is administrative in nature and therefore, the petitioner could have given a written complaint or representation before the Principal District Judge. Straight away approaching the High Court by way of filing a Writ petition under Article 226 of the Constitution of India would not be proper.

6.It is submitted by the learned standing counsel appearing for the respondents that due to change of pecuniary jurisdiction, the suit in O.S.No.302 of 1988 was sent to the Principal District Court, Madurai as per Act 1 of 2004 and renumbered as O.S.No.75 of 2015 and there was also a direction to the Principal District Munsif, Madurai to dispose of the suit at an early date. In support of his contention, the learned standing counsel produced a copy of the letter in D.No.2544 dated 13.02.2015 addressed by the Principal District Judge, Madurai to the Registrar (Administration), Madurai Bench of Madras High Court.

7.On the aforesaid facts and circumstances, we are of the view that nothing survives for adjudication in this Writ petition. Accordingly, the Writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Registrar (Vigilance),
Madras High Court,
Chennai 104.

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

3.The Principal District Judge,
District Court, Madurai.

+1cc to Mr.D.Venkatesh, Advocate in SR.9520
+1cc to M/s.Victory Associates, Advocate in SR.8714

W.P. (MD) No.2511 of 2015
25.02.2015

nbg

pbk 24/03/2015 ::2p-6c: