

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.A.No.418 of 2012
and
M.P.No.1 of 2012

High Court of Judicature at Madras,
rep.by its Registrar General,
High Court Buildings,
Chennai-600 104

..... Appellant /R2

vs.

- 1.U.Ramachandran
- 2.Ramanathapuram Bar Association (Regd)
rep.by its Secretary,
S.Arshad Ussain.
- 3.The State of Tamil Nadu,
rep.by its Secretary to the Government,
Law Department,
Fort St.George,
Chennai-9.
- 4.The District Collector,
Ramanathapuram District,
Ramanathapuram ..Respondents 1 to 4/Petitioners 1&2
1st and 3rd respondent.

Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 22.12.2011, passed in W.P.No.1643 of 2011 to the extent of setting aside the notification as published in T.N.G.G.No.26, dated 07.07.2010, for non-observance of the alleged procedure contemplated in resolutions dated 12.07.1993 and 19.07.1993 with regard to the subject matter of realignment of Civil Court Jurisdiction.

WP 1643 of 2011: Writ petition filed under Article 226 of the constitution of India praying for the issuance of writ of certiorarified mandamus to call for the records on the file of the 2nd respondent in its proceedings ROC No.379-C/2008/G.Judn No.VI(1)/262/2010 dated 17.06.2010 published in Tamil Nadu Government Gazette No.26 dated 07.07.2010 and quash the same as illegal incompetent and without jurisdiction and to further

forbear the respondents from transferring the Mandampam Firka from Ramanathapuram Taluk and attaching with Rameshwaram Taluk.

For Appellant : Mr.V.Ayyathurai
For Respondents : Mr.Nambi Arroran for R1 and R2
No appearance for R3 and R4

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM,J.)

This Writ Appeal has been directed against the order dated 22.12.2011, passed in W.P.No.1643 of 2011, by the learned Single Judge of this Court.

2. The respondents 1 and 2 herein, as petitioners, have filed W.P.No.1643 of 2011, under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records relating to the proceedings of the second respondent in ROC No.379-C/2008/G/Judn.No.VI(1)/262/2010, dated 17.06.2010 and quash the same, wherein, the present appellant has been shown as second respondent.

3. The learned Single Judge, after considering the rival contentions raised on either side, has passed the impugned order, wherein in paragraph No.37, it is observed as follows:

"37. In these circumstances, the second respondent Registrar General is directed to place the matter before the Honourable Chief Justice for appropriate orders for placing the matter relating to realignment of jurisdiction of Munsif Court at Rameswaram before the Administrative Committee No.4 as expeditiously as possible for its decision and in any event, not later than thirty (30) days from the date of receipt of a copy of this order. In the meantime, as stated above, status-quo shall continue and the Mandampam Firka people shall approach the District Munsif Court, Rameswaram, till the decision is taken one way or other, by the Administrative Committee No.4."

Against the observation/direction given by the learned Single Judge, the present Writ Appeal has been preferred, at the instance of the second respondent, as appellant.

4. The learned counsel appearing for the appellant/second respondent has contended to the effect that in pursuance of the observation/direction given by the learned Single Judge, a meeting of Administrative Committee has been convened, wherein it is resolved to prefer an appeal against the observation/direction of the learned Single Judge and accordingly, the present appeal has been filed and further, originally, Mandampam Firka has been annexed with the District Munsif Court, Ramanathapuram and after formation of District Munsif-cum-Judicial Magistrate Court, Rameswaram, the same has

been detached from the jurisdiction of District Munsif Court Ramanathapuram and attached to the District Munsif-cum-Judicial Magistrate Court, Rameswaram and to that effect necessary orders have been passed and in pursuance of the same, the Tamil Nadu Government has published Gazette No.26, dated 07.07.2010 and the learned Single Judge, without considering the circumstances under which Mandapam Firka has been annexed with the District Munsif-cum-Judicial Magistrate Court, Rameswaram, has erroneously given such kind of observation/direction and therefore, the observation/direction given by the learned Single Judge is liable to be set aside.

5. Per contra, the learned counsel appearing for respondents 1 and 2/petitioners has also equally contended that originally Mandapam Firka has been annexed with the District Munsif Court Ramanathapuram and after formation of District Munsif-cum- Judicial Magistrate Court, Rameswaram, Mandapam Firka has been annexed with the same, without following due procedure and also even without having consultation with the District Collector. Under the said circumstances, respondents 1 and 2/petitioners have challenged the Gazette Notification, dated 07.07.2010, and the learned Single Judge, has rightly given direction, but the same has not been carried out by the Registrar of High Court and therefore, the present writ appeal deserves to be dismissed.

6. It is seen from the records that Mandapam Firka is originally within the territorial jurisdiction of District Munsif Court, Ramanathapuram and after formation of District Munsif-cum- Judicial Magistrate Court, Rameswaram, the same has been detached from the jurisdiction of District Munsif Court, Ramanathapuram and attached to District Munsif-cum-Judicial Magistrate Court, Rameswaram and to that effect, the Government Gazette Notification, dated 07.07.2010, has been issued.

7. It is also seen from the records that Mandapam Firka is situate just 18 kms away from Rameswaram; whereas, Ramanathapuram is situate 38 kms away from Mandapam Firka. Considering the geographical situation, this Court is of the considered view that the general public of Mandapam Firka will be getting more benefits if the same is attached to District Munsif-cum-Judicial Magistrate Court, Rameswaram. Further, it is seen from the representation made on the side of the appellant that all criminal matters emanated from Mandapam Firka are being tried only by the Court of Rameswaram. Therefore, viewing from any angle, the Gazette Notification, dated 07.07.2010, does not suffer from any infirmity, even for the sake of argument if there is any procedural irregularities in passing the same.

8. The learned Single Judge, without considering the geographical situation of Rameswaram and Mandapam Firka, has erroneously passed such kind of direction as mentioned in paragraph No.37 of the order and therefore, viewing from any

angle, the order passed by the learned Single Judge is totally erroneous and the same is liable to be set aside.

In fine, this Writ Appeal is allowed without cost. The order passed in W.P.No.1643 of 2011, by the learned Single Judge, is set aside and W.P.No.1643 of 2011 is dismissed without cost. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msk

To

1.The Secretary,
Ramanathapuram Bar Association(Regd)

2.The Secretary to the Government,
The State of Tamil Nadu,
Law Department,
Fort St.George,
Chennai-9.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram

4.The Registrar General,
High Court of Judicature.

1 cc to Mr.Ajmal associates, Advocates, sr.46860

1 cc to Government Pleader, sr.47713

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