

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.03.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.34480 of 2012

Bar Association Pudukkottai
(Regn.No.4 of 1949)
represented by its Secretary,
Mr.V.Arumugam
District Court Campus,
Public Office,
Pudukkottai Town and District.

.. Petitioner

Versus

1. The State of Tamil Nadu,
represented by The Secretary to Government
Home(Courts III) Department,
Fort St.George, Chennai 600 009.

2.The Principal Secretary and Commissioner
of Land Administration,
Department of Land Administration
Chepauk, Chennai 600 005.

3.The Principal Secretary and Commissioner
of Revenue Administration
Department of Revenue Administration
Chepauk, Chennai 600 005.

4.The District Collector
Collectorate,
Pudukkottai.

5.The Superintending Engineer,
Public Works Department,
Buildings (C & M) Circle,
Trichy -1.

6.The Registrar General,
High Court of Judicature at Madras,
High Court Campus,
Chennai 600 104.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents 1 to 4 to allot, entrust and hand over the entire land and buildings of the Pudukottai District Court Campus popularly known as 'Public Office Campus' at Pudukottai Town and District to and in favour of the Judicial Department (Judiciary) to have a combined District Court Campus therein by vacating other governmental offices such as office of the RDO, Tahsildar, etc. from the said campus within A reasonable time.

For Petitioner ::: Mr.N.R.Chandran
Senior Counsel for Mr.R.Muthukannu

For Respondents ::: Mr.P.H.Aravind Pandian
Additional Advocate General
assisted
by Mr.S.T.S.Murthi,
Government Pleader for R.1 to R.5
Mr.C.T.Mohan for R.6

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

We passed the following order on 16.09.2015:

'The report of the Building committee has been placed before us. The assistance of the learned Advocate General was sought by the Committee, but the learned Advocate General as per the Minutes placed before us has expressed his dissent on shifting of other department buildings on the request of the judicial department stating that all Government Departments in the said complex, other than courts, need not be shifted.

2. On a perusal of the report and the submission of the learned counsel for the 6th respondent, it appears that there is a misconception since all Government Departments are not shifting. The report requires certain departments to be shifted as per Annexure-D and those not to be shifted are in Annexure-C.

3. Since adequate court space is essential for the administration of justice, an appropriate view is required to be taken. It is not as if there is no other alternative available for the Government Offices which are required to be shifted.

4. We prima facie do not see any reason why the report could not be implemented and would require the Government to examine the aspect in a reasonable and practical manner, so that the Building Committee recommendations are implemented.

5. If no solution is found by the next hearing date, the Principal Secretary, Revenue Department would remain present and assist us in this matter.

List on 30th September, 2015.

Copy of the order be issued within two days.'

2. Unfortunately, the intervention of the Secretary to the Government, Revenue Department has also not facilitated an agreed solution which we were looking for. Suffice to say, that he has 'Instructions constraints'.

3. The Building Committee has done a comprehensive exercise. The question is not also of shifting 'Government Departments' as a whole, but some of the departments, to facilitate adequate space for judicial infrastructure - something feasible, as to where the shifting to take place is also provided for. The building is more than 100 years old and has an Architectural significance. In fact, we thought that the Government would have adopted an approach of putting the building for courts use and shifted the administrative office somewhere else. This is also in the context of ideally there being no mixing of Government and Court infrastructure.

4. Be that as it may, at least to the extent that we have the report of the Building Committee, we see no reason why the same should not be implemented, nor has any satisfying reason to the contrary been pointed out to us.

5. We, thus, direct that the report of the Building Committee be implemented within six months from today.

6. We close the writ petition with the hope that at least now there should be no further issue in this behalf.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

1. The The Secretary to Government
Home(Courts III) Department,
Fort St.George, Chennai 600 009.

2.The Principal Secretary and Commissioner
of Land Administration,
Department of Land Administration
Chepauk, Chennai 600 005.

3.The Principal Secretary and Commissioner
of Revenue Administration
Department of Revenue Administration
Chepauk, Chennai 600 005.

4.The District Collector
Collectorate,
Pudukottai.

5.The Superintending Engineer,
Public Works Department,
Buildings (C & M) Circle,
Trichy -1.

6.The Registrar General,
High Court of Judicature at Madras,
High Court Campus, Chennai 600 104.

1 cc to Government Pleader, Sr. 14954

2 ccs to M/s.R. Muthukannu, Advocate, sr. 14900, 14768

W.P.No.34480 of 2012

AK (CO)
kk 21/3

WEB COPY