



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**  
AND  
**THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**W.P.[MD].No.21320 of 2015**

Athisayakumar

.. Petitioner

Vs.

1.The Secretary to Government,  
Home (Courts - III) Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai.

2.The High Court of Judicature at Madras,  
rep. by its Registrar General,  
High Court, Chennai.

3.The Hon'ble District and Sessions Judge,  
Tuticorin District,  
Tuticorin.

... Respondents

**PRAYER:** Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent No.2 to grant sanction for constituting a District Munsif cum Judicial Magistrate Court at Ottapidaram, Thoothukudi District, consequently to direct the respondent No.1 to constitute District Munsif cum Judicial Magistrate at Ottapidaram, Thoothukudi District and allot sufficient infrastructure for the functioning of District Munsif Court cum Judicial Magistrate Court at Ottapidaram on the basis of the letter sent by the respondent No.3 to the respondent No.2 and by considering the representation submitted by the petitioner dated 26.06.2014 within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For 1<sup>st</sup> respondent : Mr.S.Chandrasekar,  
Government Advocate

For respondents 2 & 3 : Mr.G.Thalaimutharasu

**O R D E R**

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Writ Petition for the following prayer:

"This Court may be pleased to issue a Writ of Mandamus to direct the respondent No.2 to grant sanction for constituting a District Munsif cum Judicial Magistrate Court at Ottapidaram, Thoothukudi District, consequently to direct the respondent No.1 to constitute District Munsif cum Judicial Magistrate at Ottapidaram, Thoothukudi District and allot sufficient infrastructure for the functioning of District Munsif Court cum Judicial Magistrate Court at Ottapidaram on the basis of the letter sent by the respondent No.3 to the respondent No.2 and by considering the representation submitted by the petitioner dated 26.06.2014 within the time stipulated by this Court."

2.We have heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3.As per Section 11 of the Code of Criminal Procedure, it is for the Government to establish a Judicial Magistrate Court after consulting the High Court. For the Government to establish a Criminal Court at a particular place, there are so many aspects, such as availability of Court at a reasonable distance, number of litigations pending in that area, feasibility to have a Court in that particular place, the cost involved, etc., to be considered. Further, it is a policy matter of the Government in which we cannot interfere. This Writ Petition is, therefore, dismissed. No costs.

Sd/-

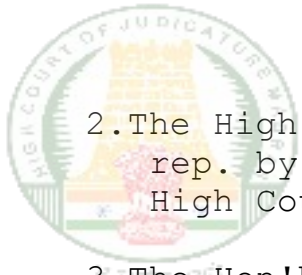
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,  
Home (Courts - III) Department,  
Government of Tamil Nadu,  
Fort St. George,



2.The High Court of Judicature at Madras,  
rep. by its Registrar General,  
High Court, Chennai.

3.The Hon'ble District and Sessions Judge,  
Tuticorin District,  
Tuticorin.

+1 cc to MR.G.THALAIMUTHARASU, Advocate SR.No.65254

+1 cc to Government Advocate SR.No.65291

Order made in  
W.P.[MD].No.21320 of 2015  
02.11.2016

SMA/PV/18.11.2016:3P/6C