

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.28731 of 2009

ORDER:

The relief sought for in this writ petition is to declare the proceedings issued by the Chief Judge, City Civil Court, Hyderabad dated 11.12.2009, as arbitrary and illegal; and to declare that the Circular, issued by the High Court dated 08.08.2008, does not apply to the petitioner's case.

By Circular dated 08.08.2008, the unit heads were directed to permit the Bar Association to run one canteen and one Xerox Machine in the Court premises on payment of a nominal fee fixed by them. It also stipulates that, if any any representation is made for allotment of space for job typists, the unit heads shall consider the number of job typists that may be accommodated as per the need, and send proposals to the High Court for approval of the concerned portfolio Judge; and, on such approval, permission be granted after fixing a reasonable rent.

On an application made by the petitioner - an Advocate of the City Civil Court, to carry on notary practice, the Chief Judge, City Civil Court, Hyderabad issued proceedings dated 11.12.2009 rejecting his request, and directed him to vacate the premises.

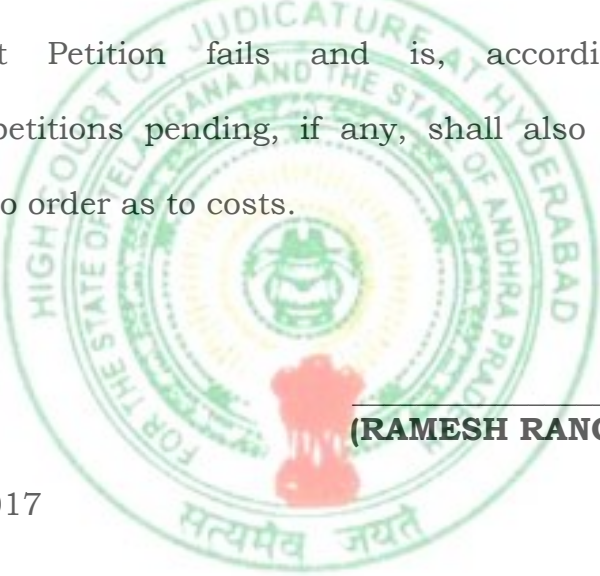
The petitioner's case is that he is carrying on notary practice in a shed, which has been erected in the land belonging to the Defence Ministry; he was orally permitted by the Defence Estates Officer to erect the shed; and the subject land does not form part of the premises of the City Civil Court.

It is evident that, even according to the petitioner, no written permission has been granted to him by the Defence Estates Officer. As the City Civil Court has been permitted to use the land, belonging to the Defence Ministry, for the purpose of parking cars and other vehicles, it

is only if the Defence Ministry had authorised him in writing, could the petitioner have claimed that he was entitled to carry on practice as a notary on the land belonging to the Defence Ministry.

In the counter-affidavit filed by the Chief Judge, City Civil Court, it is stated that no proof has been submitted by the petitioner to show that he was granted permission by the Defence authorities; and, even as per the photographs, the shed erected by him is situated within the premises of the City Civil Court, Secunderabad. It is clear, therefore, that the petitioner has unauthorisedly erected a shed within the City Civil Court premises. The action of the 2nd respondent, in refusing to grant him permission to do so, cannot therefore be faulted.

The Writ Petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

20th October, 2017
JSU

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN



Writ Petition No.28731 of 2009

Date: 20.10.2017

JSU