

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH  
and  
The Hon'ble Mr. Justice N.ANAND VENKATESH

W.P.No.24244 of 2015

T.Sivaguru ... Petitioner

Vs

- 1.The State of Tamil Nadu rep. by its  
Secretary to Government,  
Law Department, Fort St. George,  
Chennai - 9.
- 2.The State of Tamil Nadu rep. by its  
Secretary to Government,  
Home Department, Fort St. George,  
Chennai - 9.
- 3.The Registrar General (Admin),  
High Court, Madras, Chennai - 104. ... Respondents

Prayer: petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing respondents 1 and 2 to accord sanction on bifurcation of District Munsif cum Judicial Magistrate Court into two separate Courts and establishment of permanent Sub Court at Mettupalayam, pursuant to the recommendations and proposals by the third respondent in R.O.C.No.1811/2014/RTI dated 23.07.2014.

For Petitioner .. Mr.S.Kadarkarai

For Respondents.. Mr.K.Rajendra Prasad,  
Addl. Govt. Pleader for R2  
Mr.C.T.Mohan for R3 & R1

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed, seeking a writ of mandamus to direct respondents 1 and 2 to accord sanction on bifurcation of District Munsif cum Judicial Magistrate Court into two separate Courts. Further prayer has been sought for with respect to the establishment of permanent Sub Court at Mettupalayam.

2.Heard the learned counsel appearing for the parties.

3.When the matter is taken up for hearing, learned counsel appearing for the third respondent would submit that the proposal sent was wrongly misunderstood by the Government while passing G.O.Ms.No.940 Home (Cts-III) Department dated 26.12.2016 by creating District Munsif Court by way of redesignating the existing Court, which is working as District Munsif cum Judicial Magistrate Court.

4.To this, the learned Additional Government Pleader appearing for respondents 1 and 2 would submit that the subsequent proposal sent by the third respondent pointing out the mistake is under consideration. He further submitted that appropriate orders would be passed. Learned Additional Government Pleader also submits that the Sub Court has already been sanctioned and started functioning pursuant to the order passed in G.O.Ms.No.954 Home (Cts-III) Department dated 27.12.2016.

5.In such view of the matter, we direct respondents 1 and 2 to pass appropriate orders on the subsequent proposal sent by the third respondent with respect to the creation of Judicial Magistrate Court at Mettupalayam. Necessary orders will have to be passed within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition stands disposed of. No costs.  
Mmi

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

1.THE SECRETARY TO GOVERNMENT,  
LAW DEPARTMENT, FORT ST. GEORGE,  
CHENNAI - 9.

2.THE SECRETARY TO GOVERNMENT,  
HOME DEPARTMENT, FORT ST. GEORGE,  
CHENNAI - 9.

3.THE REGISTRAR GENERAL ,  
HIGH COURT, MADRAS, CHENNAI - 104.

4.THE REGISTRAR (ADMIN)  
HIGH COURT, MADRAS, CHENNAI - 104.

5.THE SECTION OFFICER,  
G SECTION,  
HIGH COURT, MADRAS, CHENNAI - 104.

6. THE SECTION OFFICER,  
RTI SECTION,  
HIGH COURT, MADRAS, CHENNAI - 104.

7.THE SECTION OFFICER,  
LEGAL CELL SECTION, HIGH COURT, MADRAS.

+1 C.C. to Mr.S.Kadarkarai Advocate SR.NO.45933

+1 cc to The Government Pleader SR.NO. 46133

W.P.No.24244 of 2015

ssv(co)  
ASK(02/08/2018)

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