



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.[MD]No.6174 of 2018

Lawyers Association of Madurai District Court,
Rep. by its Secretary,
2nd Floor, Chamber Building,
District Court Campus,
Madurai,
Madurai District.

: Petitioner

Vs.

1. The Principal District and Sessions Judge,
Madurai District,
Madurai.

2. The Executive Engineer,
Public Works Department,
Buildings C&M Divisions,
Madurai-625 002.

3. The Superintending Engineer,
Public Works Department Circle Office,
Tallakulam, Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to pass orders on the proposal submitted by the second respondent in his proceedings in Lr.No.197M/JDO/F104/2017, dated 13.06.2017 by approving the establishment of a temporary canteen for Lawyers and general public in the Madurai District Court Campus, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff,
For M/s.Ajmal Associates

For Respondent No.1 : Mr.D.Sivaraman

For Respondents 2&3 : Mr.A.K.Baskarapandian,
Special Government Pleader

**ORDER**

[Order of the Court was made by K.K.SASIDHARAN, J.]

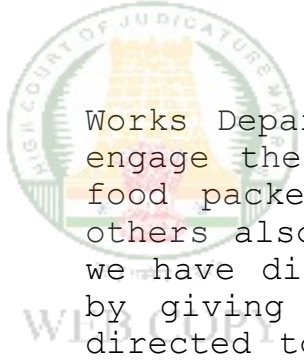
The Public Works Department, taking into account the dire need of a canteen inside the premises of the District Court, Madurai, submitted a proposal to the learned Principal District Judge, Madurai, vide letter dated 13 June, 2017, to permit a temporary canteen at the vacant place inside the campus. There appears to be no concrete action taken by the learned Principal District and Sessions Judge, Madurai, which made the Lawyers' Association of Madurai District Court to file this Writ Petition in larger interest of the lawyers and the litigants who are coming to the Court.

2. The District Court at Madurai was established in the year 1813 and the District and Sessions Court started functioning from the year 1843. It was a composite District Court till the constitution of Ramnad and Dindigul Districts and establishment of separate District Courts in those two districts. There are about 32 Courts located inside the District Court campus. However, there is no canteen facility inside the campus, which made the lawyers and the litigants to purchase the food from the hotels located outside the campus by paying exorbitant rate.

3. Since the petitioner projected a larger public interest, we directed the Registry to take instructions as to whether there is any proposal for construction of permanent canteen inside the District Court Campus at Madurai. The Registrar (Management), High Court, by letter dated 28 November, 2018, informed the Registrar (Administration), Madurai Bench of Madras High Court, that the advocates must file an affidavit of undertaking for clearing the arrears of rent relating to law chambers inside the Madurai District Court complex, besides an agreement to maintain the campus, for granting permission to run the canteen inside the campus.

4. The provision of a canteen inside the Court Campus is not confined to the members of a particular Association. The ultimate consumers are the lawyers and the litigants. The canteen facility should not be denied to the lawyers practising in the Madurai District Court and the litigants solely on the ground that the rent is due from those who have taken the law chambers. In case the lawyers are in arrears, necessary action should be taken to collect the arrears. It is open to the Court to cancel the allotment, if the rent is not paid within the outer time limit. The non-payment of the rent by certain lawyers cannot be taken as a ground to deny even a temporary canteen inside the District Court campus.

5. When the Writ Petition was taken up for hearing on 03 December, 2018, the learned counsel for the petitioner submitted that at present, Annai Teresa Self-Help Group is supplying food packets by parking the vehicle at a place earmarked by the Public



Works Department inside the campus. Since it would not be wise to engage the service of a particular Self-Help Group for supply of food packets inside the campus without giving an opportunity to others also by calling for applications and to submit their offers, we have directed the learned District Judge to call for quotations by giving public notice. The learned District Judge was further directed to evaluate the proposal after obtaining suggestions from the Advocates' Association and to submit a recommendatory note. There was a further direction to indicate the suitable place for parking the van carrying food items.

6. The learned District Judge, by letter D.No.13791, dated 17 December, 2018, submitted that pursuant to the notification inviting applications for supply of food items inside the campus by providing a temporary canteen, the Court received 15 applications and thereafter, the matter was discussed with the office bearers of the lawyers' Associations of Madurai District Court, Madurai Bar Association and the learned Chief Judicial Magistrate, Madurai. It was unanimously resolved to recommend to accept the application of Mamadurai Mahalir Self-Help Groups, 2/550-6, Ambigai Nagar 1st Street, Gomathipuram, Madurai-625 020. The Mamadurai Mahalir Self-Help Groups agreed to supply food at a concessional rate to the lawyers and litigants. We are, therefore, of the view that necessary permission should be given to the learned District Judge to pass appropriate orders granting permission to Mamadurai Mahalir Self-Help Groups, for supplying food items inside the Court complex at Madurai, subject to certain conditions.

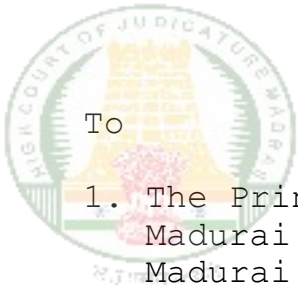
7. The Self-Help Group should be directed to bring the food materials in packed covers and it should be sold from the van stationed at the earmarked place. The licensee shall not use plastic items for supplying food and beverages. The premises shall be kept in a neat and tidy condition by the licensee. The area should be cleaned after winding up the business everyday. The licence shall be given only as an interim measure till a permanent canteen building is constructed inside the campus and licence is given to conduct the canteen. It is open to the learned District Judge to indicate the timings of the canteen and all other incidental conditions necessary for the orderly conduct of the canteen inside the campus. Necessary orders should be issued, within a period of one week from the date of receipt of a copy of this order, so as to enable the licensee to commence the temporary canteen from 02 January, 2019 onwards.

8. The Writ Petition is disposed of with the above direction. No costs.

Sd/

Assistant Registrar(Crl.Side)

/True Copy/



To

1. The Principal District and Sessions Judge,
Madurai District,
Madurai.

2. The Executive Engineer,
Public Works Department,
Buildings C&M Divisions,
Madurai-65 002.

3. The Superintending Engineer,
Public Works Department Circle Office,
Tallakulam, Madurai.

Copy to

The Registrar(Administration)
Madurai Bench of Madras High Court,
Madurai.

+2 ccs to M/s.Ajmal Associates,Advocate, SR.Nos.101255 & 101263

+1 cc to M/s.D.Sivaraman,Advocate,SR.No.101457

SML

SS/RSK/SAR 3/20.12.2018/4P/8C

Order made in
WP(MD).6174 of 2018
Dated: 20.12.2018