



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

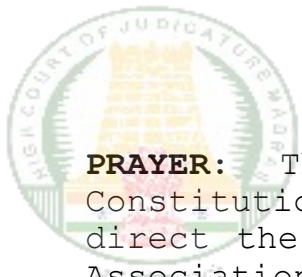
W.P. (MD) Nos.20195 and 20504 of 2018
and
W.M.P. (MD) Nos.17949 and 18255 of 2018

W.P. (MD) No.20195 of 2018:

Maduari Bench of Madras
High Court Bar Association (MMBA),
(S.No.109/04)
Lawyers Chambers,
Hon'ble Madurai Bench of Madras High Court Campus,
Madurai - 625 023.
Rep. by its Secretary. ... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The State of Tamil Nadu,
Represented by its Secretary,
Public Works Department,
Fort St. George, Chennai - 600 009.
3. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai - 600 002.
4. The High Court of Judicature at Madras,
Rep. by its Registrar (General),
Madras High Court Buildings,
Chennai - 600 104.
5. The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai - 625 023. ... Respondents



PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents herein to grant exemption to the petitioner Association from payment of electricity consumption charges and rent for electrical installation, maintenance and other charges for the Service Connection No.05007218150 in the premises occupied by the petitioner Association in the Advocate Chamber Buildings in the Hon'ble Madurai Bench of Madras High Court.

For Petitioner	: Mr.T.Cibi Chakraborty
For Respondents 1 and 2	: Mr.V.R.Shanmuganathan, Special Government Pleader
For Respondent 3	: Mr.S.M.S.Johnny Basha
For Respondents 4 and 5	: Mr.D.Venkatesh

W.P. (MD) No.20504 of 2018:

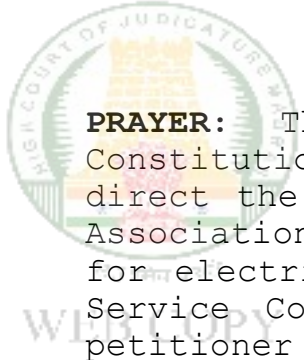
Maduari Bar Association of Madurai Bench of Madras High Court (MBA),
(Regn.No.117/2004)
Lawyers Chambers,
Hon'ble Madurai Bench of Madras High Court Campus,
Madurai - 625 023.
Rep. by its Secretary
Thiru.R.Venkatesan.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
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Chennai - 600 104.
5. The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai - 625 023.

... Respondents



PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents herein to grant exemption to the petitioner Association from payment of electricity consumption charges and rent for electrical installation, maintenance and other charges for the Service Connection No.007298140 in the premises occupied by the petitioner Association in the Advocate Chamber Buildings in the Hon'ble Madurai Bench of Madras High Court.

For Petitioner	: Mr.Suresh Kumar Isaac Paul
For Respondents	: Mr.V.R.Shanmuganathan,
1 and 2	Special Government Pleader
For Respondent 3	: Mr.S.M.S.Johnny Basha
For Respondents	: Mr.D.Venkatesh
4 and 5	

COMMON ORDER

(Order of the Court was made by T.RAJA, J.)

In view of the fact that the issue involved in both the writ petitions is one and the same, both the Writ Petitions are taken up together and disposed of by a common order.

2.Madurai Bench of Madras High Court Bar Association (MMBA) has filed W.P.(MD)No.20195 of 2018 seeking issuance of a Writ of Mandamus, to direct the respondents herein to grant exemption to the petitioner Association from payment of electricity consumption charges, rent for electrical installation, maintenance and other charges for the Service Connection No.05007218150 in the premises occupied by the petitioner Association in the Advocate Chamber Buildings in the Madurai Bench of Madras High Court.

3.Madurai Bar Association of Madurai Bench of Madras High Court (MBA) has filed W.P.(MD)No.20504 of 2018 seeking issuance of a Writ of Mandamus, to direct the respondents herein to grant exemption to the petitioner Association from payment of electricity consumption charges, rent for electrical installation, maintenance and other charges for the Service Connection No.007298140 in the premises occupied by the petitioner Association in the Advocate Chamber Buildings in the Madurai Bench of Madras High Court.

4.Learned Counsel appearing for the petitioners submitted that the above Associations have been formed to promote goodwill and fraternity among the Advocates practicing in the Madurai Bench of Madras High Court at Madurai with an object to provide conducive atmosphere to their professional dignity, skill and expertise and to advance the cause of law and justice among its members and both the petitioner Associations also having 1000 members on its own. After the inauguration of Madurai Bench of Madras High Court at Madurai on the request made by the petitioner Associations, the Registrar Administration, Madurai Bench of Madras High Court, the fifth respondent herein has allotted rooms approximately to an extent of 2800 sq. ft. and 3000 sq. ft. for the petitioner Associations in the

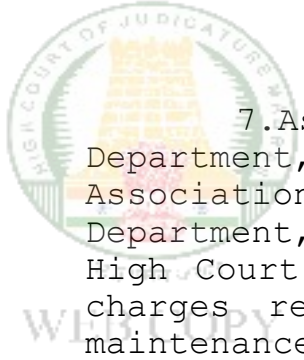
first floor of the Advocates Chamber Buildings and the petitioner Associations also have occupied the said rooms in the year 2005 and three phase Service Connection Nos.05007218150 and 007218140 respectively in the name of the Registrar Administration in March 2008 was also provided to the petitioner Associations by the Tamil Nadu Electricity Board on commercial tariff and the petitioner Associations have been incurring huge expenditure at about Rs.35,000/- per month and Rs.20,000/- per month respectively towards current consumption charges including maintenance. Therefore, the petitioner Associations, which are well equipped with two library halls with latest appliances and two computer sections one in the conference hall and the other in the i-library chambers have given representation on 22.12.2008 and 19.12.2017 to the respondents 1 to 3 and respondents 1 to 5 respectively requesting them to exempt the petitioner Associations from payment of electricity consumption charges, rent for electrical installation and their maintenance for the Service Connection Nos.05007218150 and 007218140 in the light of G.O.(Ms) No.1994, Home (Courts III) Department, dated 23.07.1981. As the said Government Order also granted exemption to the Madras Bar Association (MBA), Chennai, from payment of consumption of electricity charges, after waiting for a long time, as there was no response, the Madurai Bench of Madras High Court Bar Association (MMBA) filed a Writ Petition (MD) No.4075 of 2009 seeking a direction to the respondents therein to grant exemption to the petitioner Association (MMBA) from payment of electricity consumption charges and rent for electrical installation, maintenance and other charges for the then Service Connection No.1180-10-150 in the premises occupied by the petitioner Association (MMBA). This Court, by order dated 04.04.2013 while disposing of the said Writ Petition, directed the petitioner Association (MMBA) to make a fresh representation to Government and other authorities enclosing a copy of the earlier representation for taking decision thereof. The petitioner Association (MMBA) also made a representation on 31.10.2014. However, again finding no response from the respondents, the petitioner Association (MMBA) filed another Writ Petition (MD) No.11322 of 2015 seeking a direction to the respondents 1 to 3 therein to grant exemption to the petitioner Association (MMBA) from payment of electricity consumption charges and rent for electrical installation, maintenance and other charges for the Service Connection No.05007218150 in the premises occupied by the petitioner Association (MMBA). This Court again by order dated 06.07.2015 disposing of the said Writ Petition directed the respondents 1 to 3 to consider and pass order on the petitioner Association's (MMBA) representation dated 31.01.2014 within a period of one month from the date of receipt of a copy of the order. In spite of the above directions, till date no response is forthcoming. Therefore, the petitioner Association (MMBA) has been advised to come to this Court again with the present Writ Petition (MD) No.20195 of 2018 seeking issuance of Writ of Mandamus to direct the respondents herein to grant exemption to the petitioner Association from payment of electricity consumption charges and rent for electrical



installation, maintenance and other charges for the Service Connection No.05007218150 in the premises occupied by the petitioner Association (MMBA) in the Advocate Chamber Buildings in the Madurai Bench of Madras High Court. The Madurai Bar Association of Madurai Bench of Madras High Court (MBA) has sent a representation dated 19.12.2017 to the respondents herein citing G.O.(Ms) No.1994, Home (Courts III) Department, dated 23.07.1981 granting exemption to the Madras Bar Association (MBA), Chennai, from payment of consumption of electricity charges and G.O.Ms.No.569, Home (Courts III) Department, dated 31.07.2015 granting exemption to the Madurai Bench High Court Advocates Association (MBHAA) from payment of charges relating to rent for electrical installation and their maintenance including electricity consumption charges and finding no response, filed the present Writ Petition (MD) No.20504 of 2018 seeking a direction to the respondents to grant exemption from payment of electricity consumption charges and rent for electrical installation, maintenance and other charges for the Service Connection No.007298140 in the premises occupied by the petitioner Association in the Advocate Chamber Buildings in the Hon'ble Madurai Bench of Madras High Court.

5.The learned Counsel appearing for the petitioner Associations also submitted that when the State Government have graciously come forward to accept the request of the Associations, namely, Madras Bar Association (MBA), Chennai and the Madurai Bench High Court Advocates Association (MBHAA) granting exemption from payment of charges relating to rent for electrical installation and their maintenance including electricity consumption charges, there is no justification on the part of the respondents not to extend the same benefit to the petitioner Associations. Further, when two Advocate Associations, namely, Madras Bar Association (MBA), Chennai and the Madurai Bench High Court Advocates Association (MBHAA) have been granted exemption from payment of charges relating to rent for electrical installation and their maintenance including electricity consumption charges in respect of the rules framed by the Government, in spite of repeated requests and orders passed by this Court, the respondents cannot delay such benefits to the petitioner Associations. If they continue to delay in passing any Government Order, the petitioner Associations would be put to grave prejudice and the denial of the benefit on the part of the State Government would tantamount to violation of equity clause provided under Article 14 of the Constitution of India. The petitioner Associations also functioning in the Madurai Bench of Madras High Court, therefore, while granting exemption in favour of the Madurai Bench High Court Advocates Association (MBHAA), the respondents cannot deny the similar benefits to the petitioner Associations.

6.Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 in both the Writ Petitions submitted that the request made by the petitioner Associations is under consideration, however, before passing appropriate orders, they have rushed to this Court.



7.As we are able to see G.O.(Ms) No.1994, Home (Courts III) Department, dated 23.07.1981 granting exemption to the Madras Bar Association (MBA), Chennai, and G.O.Ms.No.569, Home (Courts III) Department, dated 31.07.2015 granting exemption to the Madurai Bench High Court Advocates Association (MBHAA), Madurai, from payment of charges relating to rent for electrical installation and their maintenance including electricity consumption charges, we direct the first respondent to consider the request of the petitioner Associations in the light of the aforementioned Government Orders within a period of six weeks from the date of receipt of a copy of this order.

8.With the above direction, both the Writ Petitions are disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Secretary,
Public Works Department,
Fort St. George, Chennai - 600 009.
3. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai, Chennai - 600 002.
4. The Registrar (General),
High Court of Judicature at Madras,
Madras High Court Buildings,
Chennai - 600 104.
5. The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai - 625 023.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90802 & 90801

SRM

TE/SKN/SAR-4 : 05/12/2018 : 6P/7C

W.P.(MD) Nos.20195 and 20504 of 2018 and
W.M.P.(MD) Nos.17949 and 18255 of 2018
12.10.2018