

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/7/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.8232 of 2019 and
W.M.P.No.8795 of 2019

1.A.Moorthy
2.T.Durairaj ... Petitioners

Vs

1. The Registrar (General)
High Court, Madras - 600 104
2. The District and Sessions Judge
Salem District, Salem - 7 ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus directing the respondents to take necessary steps to open the Library Building which was constructed in Salem District Court Campus, Salem in the year 2014.

For Petitioner ... Mr.C.Prakasam

For Respondents ... Mr.R.Singharavelan,
Sr.Counsel
Mr.B.Vijay for R1 and R2

सत्यमेव जयते
O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

Instant writ petition has been filed for a Writ of Mandamus, directing the respondents, to take necessary steps, to open the Library Building, constructed in Salem District Court Campus, Salem, in the year 2014.

2. Supporting the prayer sought for, petitioners have contended that they are commonly interested to open the library building, which was constructed in the year 2014 in the District Court Campus, Salem, at a cost of Rs.40/- lakhs. They have further stated that (i) books worth Rs.10/- lakhs, and (ii)

furniture and Law Books for Rs.20/- lakhs have been purchased and the same have been kept, in the library and that the said building is not opened till today. Hence, petitioners have approached this Court by way of a instant writ petition.

3. Petitioners have further contended that they are practising Advocates, in Salem District Court, Mr.A.Moorthy/the first petitioner, was elected as the Secretary of Salem Bar Association, for the period of 2000-2002, and Mr.T.Durairaj/second petitioner, was elected as the Secretary of the said Association, for the year 2002-2004.

4. It is the further contention of the petitioners that when an Advocate was personally interested to construct a building, in the said Court campus for a Library, he had obtained, prior permission from this Court. After obtaining permission, Mr.Gunasekaran, an Advocate in Salem District Court, has spent more than Rs.80/- lakhs for the construction of Library building, for purchase of furniture and law books. Petitioners came to understand that some Advocates, who belong to some political parties, opposed the same and made false representation as if, the said Mr.Gunasekaran, belongs to a rival political party and he had some criminal cases and hence the entire issue has been kept in abeyance for the last five years. The building is locked. The books purchased at a cost of Rs.20/- lakhs are kept inside and thus getting damaged without use. The said building is not properly maintained and moreover, in and around the said library building, there is no proper maintenance of garden.

5. Petitioners have further contended that since the said library is locked, advocates and public, are not able to utilise the same. The said building is also not properly maintained by the Public Works Department and law college students who frequently visit the District Court, are also not in a position to utilise the said library. In view of the same, petitioners have made several representation before the learned District Judge, Salem District and finally on 06.02.2019, for the relief stated supra. There is inaction on the part of the respondents. Hence, petitioners have filed the instant writ petition, for the relief stated supra.

6. Based on the averments stated supra, Mr.C.Prakasam, learned counsel for the petitioners, made submissions.

7. During the course of hearing, when we raised a question as to whether there is any public interest, involved in this writ petition or that the writ petition espouses only the cause of the advocates, to use the library constructed, Mr.C.Prakasam, learned counsel for the petitioners submitted that clients

sometimes are instructed to take xerox copies of the judgments and thus a public interest is involved, this Court was not in agreement with the said contention. However, the fact remains that the library building constructed and books are kept unutilised for nearly 5 years.

8. It is the further contention of Mr.C.Prakasam, learned counsel for the petitioners that there are some objections from a section of lawyers, who are not parties to this lis. He further submitted that name boards have been put up, on the front and right side of the building. He further submitted that remedial steps have to be taken to clear the impediments.

9. Mr.R.Singharavelan, learned senior counsel appearing on behalf of the Ad-hoc Committee, Salem Bar Association, submitted that the Ad hoc Committee, would get electricity supply connection to the Bar Association library building, constructed in memory of Late S.N.Srinivasan and Mr.S.Parthasarathy, and that electricity consumption charges, would be borne by the Bar Association. Submission of Mr.R.Singharavelan, learned Senior Counsel, is placed on record.

10. To a specific question as to whether, Mr.M.Gunasekaran, has been permitted to construct the building in the names Shri.S.N.Srinivasan and Shri.S.Parthasarathy, Mr.B.Vijay, learned counsel appearing for the Registry of the High Court submitted that no special permission has been given, only granted to construct a building, in memory of Mr.M.Gunasekaran's Seniors Late Shri.S.N.Srinivasan and Shri.S.Parthasarathy, Advocates. No permission has been granted to put up name boards or keep photographs inside the building.

11. From the materials available on record, we could deduce that vide ROC. No.2939-A/2009/D4 dated 18.03.2010, Registry of the High Court, has sent an official Memorandum to the Principal District Judge, Salem, permitted him to allot a space of 1600 sq.ft. within the District Court campus, Salem for construction of RCC building for the purpose of library for the Bar Association, Salem proposed to be donated by Thiru.M.Gunasekaran, Advocate, in memory of his Seniors Shri.S.N.Srinivasan and Shri.S.Parthasarathy, subject to the following terms and conditions:

- i) after construction, the building will have to be handed over to District Court Administration;
- ii) A separate electricity service connection should be installed by the Association, Salem and the current consumption charges arising there should be borne by the Bar Association;
- iii) There should also be no hindrance for the

Judicial Officers to use library as and when required;

iv) The building shall be used only for the purpose of library; and

v) The Bar Association, Salem should hand over the building, if required by the District Court, Salem.

12. After taking notice in the instant writ petition, Registrar General, High Court, Madras has filed a Status Report on 10.06.2019 and the same reads thus:

STATUS REPORT OF THE FIRST RESPONDENT

It is respectfully submitted that the petitioners have filed this Writ petition, seeking for issuance of a Writ of Mandamus, directing the respondents to take necessary steps to open the Library Building which was constructed in Salem District Campus, Salem in the year 2014.

2. It is submitted that the Hon'ble Court, while hearing the above Writ Petition on 03.06.2019 has directed the respondents to file status report, as on date.

3. It is submitted that the President and Secretary of the Salem Bar Association made a representation dated 20.08.2009, to the Hon'ble the Chief Justice of Madras High Court, requesting permission to construct a library building for the use of its members as offered by one of their Bar member Mr.M.Gunasekaran, Advocate, by his letter dated 18.07.2009, stating that he is willing to donate a RCC building measuring 1600 sq.ft exclusively for the purpose of Library to their Association in memory of his Seniors Sri.S.N.Srinivasan and Sri.S.Parthasarathy, at his own costs within the District Court Complex, Salem and also requested that the said Library building be named as "Sri.S.N.Srinivasan & Sri.S.Parthasarathy Library Hall, Salem Bar Association."

4. It is submitted that the Registry vide ROC No.2939-A/2009/D4 dated 01.09.2009, forwarded the said representation to the learned Principal District Judge, Salem, with a request to offer his remarks on the same for taking further action.

5. It is submitted that the Principal District Judge, Salem, vide his Letter in D. No.4944/HC/2009, dated 14.09.2009 replied that sufficient place is available in the District Court Camps for the construction of RCC building measuring 1600 sq.ft. and that necessary sanction may be accorded for the said construction.

6. It is submitted that the Registry vide ROC. No.2939-A/2009/D4 dated 12.10.2009 requested the Principal District Judge, Salem to furnish the following particulars:

i) Whether the space to be allotted will be used for Library purpose alone.

ii) Whether the space to be allotted will be needed for the future expansion of the Judicial Department.

iii) Who will bear the electricity consumption charges for the proposed library.

iv) Whether the space to be allotted to the library will any way detrimental to the request of the Registrar, State Consumer Disputes Redressal Commission for allotment of space for construction of a building for the DCDRF, Salem.

v) The sketch marking the space to be allotted for the Library and

vi) Whether construction of the above building will be a hindrance for the smooth functioning of Court at Salem.

7. Pursuant to the same the Principal District Judge, Salem, vide his letter in D. No.6270/HC/2009 dated 27.11.2009 had submitted the further particulars, as sought for by the Registry and also a letter dated 06.11.2009 of the Salem Bar Association assuring that the proposed construction will not be used for any other purpose except for running the library.

8. It is further submitted that the Registry vide ROC No.2939-A/2009/D4 dated 4.12.2009 requested the Principal District Judge, Salem to furnish the following further particulars:

i) Total extent of land available within the District Court premises at Salem and

ii) Feasibility of allotment of space in the light of construction of 98 Law Chambers at Salem Court premises.

9. Pursuant to the said request, the Principal District Judge, Salem vide his letter in D. No.960/2010/HC dated 16.02.2010 has submitted a detailed plan in respect of the proposed library building at Salem.

10. It is submitted that considering the request of the Salem Bar Association and the particulars provided by the Principal District Judge, Salem, the Registry vide its Official Memorandum in ROC No.2939-A/2009/D4 dated 18.03.2010, permitted the Principal District Judge, Salem to allot a space of 1600 sq.ft. within the District Court Campus, Salem for construction of RCC building for the purpose of Library for the Bar Association, Salem, proposed to be donated by Thiru.M.Gunasekaran in memory of his Seniors Tvl.S.N.Srinivasan and S.Parthasarathy, subject to the following terms and conditions:

- i) after construction, the building will have to be handed over to District Court Administration;
- ii) A separate electricity service connection should be installed by the Association, Salem and the current consumption charges arising there should be borne by the Bar Association;
- iii) There should also be no hindrance for the Judicial Officers to use library as and when required;
- iv) The building shall be used only for the purpose of library.
- v) The Bar Association, Salem should hand over the building, if required by the District Court, Salem.

11. It is submitted that after completion of the construction, the possession of the Library building was handed over to the administration of the District Court, Salem on 05.08.2014 and in furtherance the Salem Bar Association by their dated 12.08.2014 requested the permission of the Registry for arranging the inauguration function.

12. It is submitted that the Principal District Judge, Salem, also by his letter in D.No.7009/2014/HC dated 14.08.2014, has informed the Registry about the completion of the construction and handing over possession of the Library building on 05.08.2014 and has also informed that the Salem Bar Association vide their letter dated 12.08.2014 has sought for permission of this Hon'ble Court for the inaugural function.

13. It is submitted that the Registry vide its ROC.No.4117/2014/D4 dated 23.09.2014 has directed the Principal District Judge, Salem to submit a report along with a sketch prepared with the help of the Executive Engineer, Buildings (C&M) Division, Public Works Department, Salem, showing the plan, topography relating to the plan and also photos of the building constructed for the library with the inscriptions said to have been made on the walls of the building.

14. It is submitted that the Principal District Judge, Salem, made personal inspection of the library building and submitted his report that the following inscription viz., "Shri.S.N.Srinivasan & Shri.S.Parthasarathy Library Building 2014" found on the top of all the three side walls of the building and that in the hall of the building near staircase, the portrait of Thiru.M.Gunasekaran, advocate is kept and above that portraits of Tvl.S.N.Srinivasan and S.Parthasarathy are mounted on the wall, vide his letter in D.No.8652/HC/2014, dated 30.09.2014.

15. In the meanwhile the Salem Bar Association by their letter dated 11.01.2017 sought for appointment to meet the Hon'ble the Chief Justice of Madras High Court to pray for the permission for opening ceremony, e-library inaugural function and for the installation of Air Conditioners. The said representation was placed before the then Hon'ble Portfolio Judge for Salem District and it was minuted as follows:

"We will discuss the Principal District Judge, during next visit of Court at Salem".

16. It is submitted that the Salem Bar Association by another letter dated 19.10.2017, requested the Registry to direct the Principal District and Sessions Judge, Salem to lay a pelvet stone about the foundation laying function in the main entrance and to review the order of Building Committee about the inaugural function of Library Building constructed in the name of Tvl.S.N.Srinivasan and Parthasarathy, Senior Advocates, Salem.

17. It is submitted that the Registry vide its ROC.No.4117/2014/D4 dated 06.03.2018, requested the Principal District Judge, Salem, to inform the stage at which the matter stands at present with regard to

the newly constructed library building at Salem, for taking further action in the matter. In this regard, a reminder was also sent by the Registry vide ROC.No.4117/2014/D4 dated 05.02.2019.

18. It is submitted that in the meantime the petitioners, who are also members of the Salem Bar Association made a representation dated 06.02.2019 to the Principal District Judge, Salem and the Registrar General, High Court, Madras seeking permission for opening of the newly constructed library building for the use of the advocates and the Registry, vide ROC.No.4117/2014/D4 dated 20.03.2019, forwarded the said representation to the Principal District Judge, Salem and requested to inform the stage at which the matter stands at present with regard to opening of the newly constructed library building at Salem, for taking further action in the matter.

19. It is submitted that the following facts are placed for the kind consideration of this Hon'ble Court, which are the causes for the delay in opening the library building.

i) By ROC.No.2939-A/2009/D4 dated 18.03.2010, the Registry has only permitted to allot a space of 1600 sq.ft within the District Court Campus, Salem for construction of RCC building for the purpose of Library for the Bar Association, Salem, proposed to be donated by Thiru.M.Gunasekaran in Memory of his Seniors Tvl.S.N.Srinivasan and S.Parthasarathy, with certain terms and conditions.

ii) After completion of the construction of the library building Thiru.M.Gunasekaran, apart from naming the building as "Shri.S.N.Srinivasan & Shri.S.Parthasarathy Library Building 2014" has also mounted his portrait and in its above mounted the portraits of Tvl.S.N.Srinivasan and S.Parthasarathy on the wall inside the library hall.

iii) As per the terms and conditions contained in ROC.No.2939-A/2009/D4 dated 18.03.2010, a separate electricity service connection should be provided by the Salem Bar Association, which has not been provided, without which the library building cannot put to use of the members of the Salem Bar Association.

iv) Certain objections appears to have been raised by one of the members of the Salem Bar Association to the Principal District Judge, Salem opposing to the embedment of Mr.M.Gunasekaran's

portrait on the wall of the library on the ground that he has criminal antecedents and that Mr.M.Gunasekaran is reluctant to remove the portraits embedded on the walls.

The status report of the Registrar General, High Court, Madras, is submitted as above.

Dated at Chennai this the 10th day of June 2019.

REGISTRAR GENERAL
HIGH COURT, MADRAS.

13. On 13.06.2019, the Registrar General, High Court, Madras, has also filed an additional report and the same is extracted hereunder:

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)
W.P.No.8232 of 2019

1 .A.Moorthy
2.T.Durairaj ...Petitioners

- Vs -

1 .The High Court of Judicature at Madras,
rep.by its Registrar General,
High Court, Madras.
2.The District and Sessions Judge,
Salem District, Salem. ... Respondents

ADDITIONAL REPORT OF THE FIRST RESPONDENT

It is respectfully submitted that the petitioners had filed this Writ Petition, seeking for issuance of a Writ of Mandamus, directing the respondents to take necessary steps to open the Library Building which was constructed in Salem District Campus, Salem, in the year 2014.

2. It is submitted that this Hon'ble Court, while hearing the above Writ Petition on 03.06.2019 had directed the respondents to file status report, as on date.

3. In compliance of the same, a status report of the first respondent and typed set of papers were filed on 10.06.2019.

4. It is submitted that in para 19 (iv) of the status report, it was stated that "certain objections

appears to have been raised by one of the members of the Salem Bar Association to the Principal District Judge, Salem opposing to the embedment of Mr.M.Gunasekaran's portrait on the wall of the library on the ground that he has criminal antecedents and that Mr.M.Gunasekaran is reluctant to remove the protraits embedded on the walls". But while ascertaining from the erstwhile Principal District Judge, Salem, it was stated that one group of Bar members of Salem Bar Association orally opposed the embedment of Mr.M.Gunasekaran's portrait on the wall of the library.

5. A copy of the report of the present Principal District Judge, Salem to the effect that no written documents available supporting the averments that one group of Bar members opposed the embedment of Mr.M.Gunasekaran's portrait on the wall of the library, is filed as Annexure to this additional report.

The additional report of the Registrar General, High Court, Madras, is submitted as above.

Dated at Chennai this the v day of June 2019.

REGISTRAR GENERAL,
HIGH COURT, MADRAS.

14. In response to a phone message from the Legal Cell, High Court, Madras on 13.06.2019, the learned Principal District Judge, has sent a letter dated 13.06.2019 stating that he has assumed charge as Principal District Judge, Salem on the forenoon of 6.6.2009. His predecessor Thiru.P.Mohanraj, has filed a counter affidavit in W.P. No.8232/2019 to the Legal Cell on 5.4.109. In the counter affidavit at Para No.6 he has stated that donor of the building M.Gunasekaran has criminal antecedents and one group of Bar members opposed the embedment of Mr.M.Gunasekaran's portrait on the walls of the library. It is understood that Mr.M.Gunasekaran is reluctant to remove the protraits embedded on the walls. He further submitted that after he had taken charge, he has gone through the file and did not find any written documents supporting the averments at para No.6 of the counter affidavit and thus he has requested to accept his report. The said letter is extracted hereunder:

From
Thiru.S. Kumaraguru, B.L.,
Principal District Judge,
Salem- 7.

To
The Hon'ble Registrar General,
High Court of Judicature,
Madras- 104.

D.No.4954/2019/HC, Dated: 13.06.2019

Honoured Sir,

Sub: Buildings - Salem district - Library Building in
District Court Campus, Salem - W.P.No.8232/2019 -
Counter affidavit submitted - Report called for -
submission of - regarding.

Ref:1.Over Phone message received from the Legal Cell,
Hon'ble High Court, Madras, on 13.06.2019.

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I am submitting herewith the report called for as
per the reference cited, with regard to the Para N0.6
in the Counter affidavit filed by my predecessor in
W.P.No.8232/2019.

I submit that, I have been assumed charge of the
Principal District Judge, Salem on the Forenoon of
06.06.2019. My predecessor Thiru.P.Mohanraj, have filed
a counter affidavit in W.P.No.8232/2019 to the Legal
Cell on 05.04.2019. In the Counter affidavit Para N0.6
He has stated that donor of the building M. Gunasekaran
has criminal antecedents and one group of Bar members
opposed the embeddment of M.Gunasekaran's portrait on
the wall of the library. It is understood that
M.Gunasekaran is reluctant to remove the portraits
embedded on the walls. After assuming charge I have go
through the file, no written documents available
supporting the averments stated in the Para N0.6 of the
counter affidavit.

In this regard, I submit that, my report may be
accepted.

This is submitted for Your Honour's kind
consideration.

Yours faithfully,

Principal District Judge,
Salem.

15. Based on the directions, the learned Principal District Judge, Salem, has filed a report on the above issue on 20.06.2019, which reads thus:

From
Thiru.S.Kumaraguru, B.L.,
Principal District Judge,
Salem - 7.

To
The Hon'ble Registrar General
High Court of Judicature,
Madras - 104.

D.No.5185 /2019/HC. Dated: .06.2019.

Honoured Sir,

Sub: Buildings - Salem District - Library Building in District Court Campus, Salem - W.P.No.8232/2019 - Counter affidavit submitted - Report called for - submission of - regarding.

Ref: 1. Over Phone message received from the Legal Cell, Hon'ble High Court, Madras, on 14.06.2019.

I am submitting herewith the report called for as per the reference cited.

I submit that, an Over Phone message received from the Legal Cell, Hon'ble High Court, Madras has instructed to discuss with the Ad hoc Members of the Salem Bar Association, Salem with regard to the current stage of the inauguration of the Library building in the District Court Campus and requested to submit a report to the Hon'ble High Court, Madras within 20.06.2019. As per the instruction of the Hon'ble High Court, Madras, I conducted a meeting with the Ad hoc Committee Members of the Salem Bar Association 1. R.Srinivasan, 2. Ka.Rajasekaran, 3.R.Balakumar on 15.06.2019 at 12.00 P.M and discussed with them about the present stage of the Library building.

I further submit that, the Ad hoc Committee members of the Salem Bar Association, Salem has stated that a section of members of Salem Bar are of die view that the portrait of M.Gunasekaran, engraved inside the library hall should be removed, where as another section of lawyers feel presence of picture of Thiru.M.Gunasekaran, who has spent huge amount should not be removed. Further, I requested to them the issue to be settled in amicably. The Ad hoc Committee members requested Two days' time to discuss the matter with the Senior Bar members.

Further, On 18.06.2019 the Ad hoc committee members present and stated that, in view of the objections of a section of members of the Bar regarding the presence of picture of Thiru.M.Gunasekaran, inside the library hall, they can suggest that the picture of Thiru.M.Gunasekaran may be removed and a stone may be laid in front of the library hall engraving "Donated by Thiru.M.Gunasekaran, Advocate, Salem, and they said that may solve the problem. Further, I instructed to install an Electricity Service Connection by the Bar Association, Salem and the current consumption charges arising thereof should be borne by the Bar Association, as per the terms and conditions laid in the Hon'ble High Court's Official Memorandum in ROC. No.2939-A/2009/D4, Dated: 18.03.2010. In this connection, the Ad hoc Committee members has stated that the Bar Association is not in a position to pay electricity charges which will be on commercial basis and also stated that the new library building is adjacent to the present Bar Association building and the power connection can be taken from the association building and the charges may be paid by the court.

Therefore, I requested the Ad hoc Committee Members of Salem Bar Association to give their opinion in writing so as to submit the report to the Hon'ble High Court, Madras. The Ad hoc Committee members have submitted their report to this Court on 19.06.2019.

Further, I submit that, the Ad hoc Committee members of Salem Bar Association have discussed with me and stated as submitted in their written reply with regard to the Library Building. I personally inspected the Library Building, in which no electrical connection in the building and there is no water connection in the building.

I further submit that, on perusing the records of the Library building the Ad hoc Committee Members of Salem Bar Association, has submitted a letter before my predecessor to furnish copies of all the communications, photos, letter and reports sent by the then District Judge in connection with the above matter, so as to implead ourselves as one of the Respondents to effectively controvert the allegations and to enlighten the High Court in connection with the above matter, in this matter no records found for furnishing the copies as requested by the Ad hoc Committee Members.

I submit that, in this regard my predecessor has filed a counter affidavit in W.P. No.8232/2019 and stated all the above said situations.

I am submitting herewith the copy of the reply submitted by the Ad hoc Committee Member Thiru.R.Srinivasan, dated: 19.06.2019, copy of the requisition letter submitted by the Ad hoc Committee members before my predecessor on 01.04.2019 for Your Honour's reference.

In this regard, I submit that, my report may kindly be accepted.

In the circumstances this court is obliged to obey the order of the Hon'ble High Court, Madras.

Yours faithfully,

Principal District Judge
Salem.

16. Material on record discloses that on 18.03.2010, permission has been granted by this Court, to a library building to be donated by Mr.M.Gunasekaran, Advocate, Salem, in memory of his Seniors, Shri.S.N.Srinivasan and Shri.S.Parthasarathy, respectively, subject to the conditions stated supra. Building constructed has been handed over to the District Court on 05.08.2014, and since then, it is kept locked due to disputes in removal of the photograph of Mr.M.Gunasekaran, Advocate, inside the building.

17. Squabble between the Lawyers, Salem Bar Association, is the only cause. Contentions that Mr.M.Gunasekaran, Advocate, Salem, has criminal cases and therefore his photograph should not be there inside the building is refuted.

18. It is said that library provides information and ideas that are fundamental to function successfully in today's information and knowledge-based society. For legal fraternity, library consists of judgments of Hon'ble Supreme Court and various High Courts in the form of books for study and reference. It also consists of Acts and Rules. Library also consists of articles of eminent lawyers, jurists and others, which would be of immense use of the fraternity.

19. It is not uncommon to expect that a person who has spent huge money to construct a building, in memory of his Seniors, Shri.S.N.Srinivasan and Shri.S.Parthasarathy, respectively, and donate the same, to have his photograph inside

the building. But at the same time, it has to be noted that as per the conditions of permission, after the completion of the construction of the building, the same has to be handed over to the District Court Administration, which has been done in the instant case. Thereafter, it is for the District Court to maintain the building. Unfortunately, due to a dispute over a photograph of Mr.M.Gunasekaran, library and the books are not utilised by the bar members. Now that the Ad hoc Committee has come forward to get the electricity supply and pay the periodical electrical consumption charges.

20. Now the only issue is whether the photograph of Mr.M.Gunasekaran, donor should be there inside the building or not? Dehors the expectation of the donor, there is no other impediment.

21. From the material on record, it could be deduced that on 18.06.2019, the Ad hoc committee has suggested that the photograph of Mr.M.Gunasekaran, be removed and instead a stone may be laid in front of the building, engraving that the building is donated by Mr.M.Gunasekaran, Advocate, Salem. Suggestion appears to be reasonable. In the given circumstances, in the interest of the members of the bar, we may only observe that inscription of the name of the donor in the building, would be a permanent feature, indicating the efforts taken by Mr.M.Gunasekaran, a worthy act, to be appreciated. But at the same time, when he has such a good intention, we are unable to understand, as to why, he is insisting that his photograph to be kept inside the building. His name is agreed to be engraved in the building, we are not inclined to convert this writ petition into an adversarial litigation, between Mr.M.Gunasekaran, the donor and members of the bar or for the matter, between Mr.M.Gunasekaran and the District Court Administration for the reason that once the building is handed over to the District Court Administration, then it is for the District Court Administration to decide the inauguration, functioning, and maintenance of the building.

22. At this juncture, it is to be noted that as per the permission granted, building constructed has to be handed over to the District Court Administration and no permission has been granted to install any photograph, inside the building.

23. At the risk of repetition, while placing on record the efforts taken by Mr.M.Gunasekaran, who has spent huge money to construct a building for usage as library, and purchased books, we deem it fit to observe that his endeavour should be that the building constructed and handed over to the District Court Administration, should be put to use, to ask for nothing and

hardly anything, but to help the bar and litigant public, we sincerely hope that Mr.M.Gunasekaran, Advocate, Salem, would accordingly act and cooperate. If there is any contrary view, in the given circumstances, District Court Administration is directed to remove the photograph of Mr.M.Gunasekaran, Advocate, Salem and keep only one name board, in front of the building, put up an inscription with the name of Mr.M.Gunasekaran, Advocate, Salem, as the donor and make the library functional, for the use of the bar members, at the earliest.

24. As per the order, granting permission, Ad hoc Committee, Salem Bar Association, is directed to apply for the electricity service connection, immediately and submit necessary documents to the District Court Administration. Ad hoc Committee is directed to pay the electricity consumption charges periodically.

25. Before parting with the case, we wish to observe that all the members of the Bar to be united for a good cause and utilise the library for the benefit of litigant public. It is said that "By wisdom, a house is built and by understanding it is established; through knowledge its rooms are filled with rare and beautiful treasures."

26. With the above directions and observation, writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

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Sub Assistant Registrar

dm/Asr

To

1. The Registrar (General)
High Court, Madras - 600 104
2. The District and Sessions Judge
Salem District, Salem - 7

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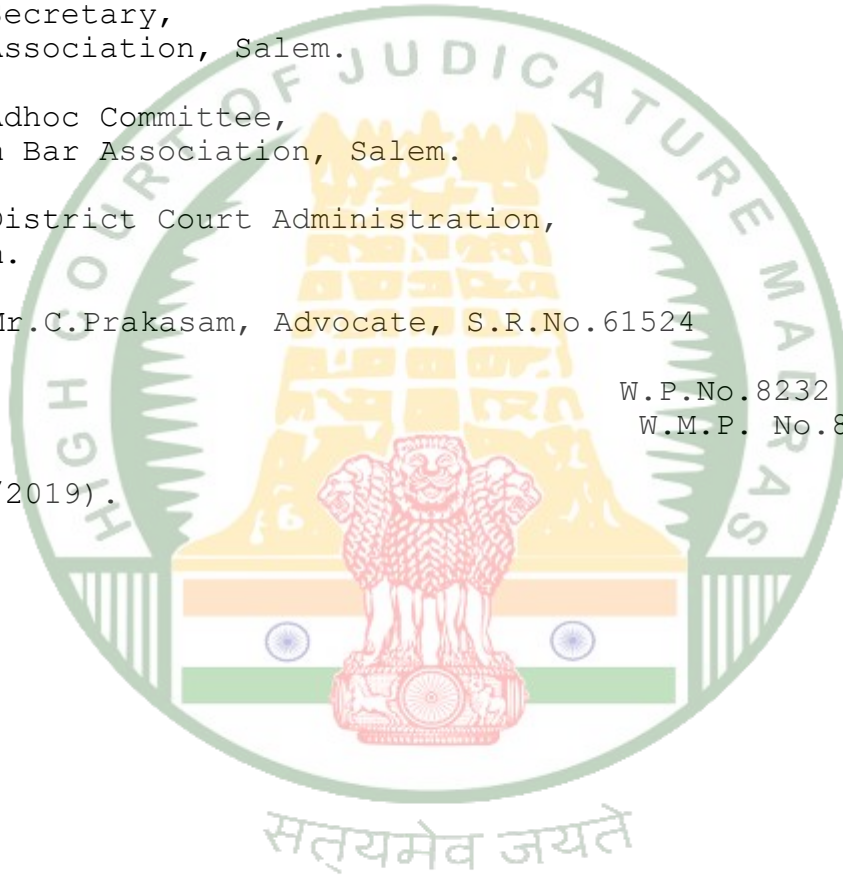
copy to:

- 1) The Registrar Judicial,
High Court, Madras
- 2) The Section Officer,
D Section, High Court, Madras.
- 3) The Section Officer,
Legal Cell, High Court, Madras.
- 4) The Secretary,
Bar Association, Salem.
- 5) The Adhoc Committee,
Salem Bar Association, Salem.
- 6) The District Court Administration,
Salem.

+1 cc to Mr.C.Prakasam, Advocate, S.R.No.61524

W.P.No.8232 of 2019 and
W.M.P. No.8795 of 2019

MG(CO)
SSM(25/07/2019).



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