



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.20614 of 2019

and

W.M.P. (MD) Nos.17248 & 17249 of 2019

Palaniappan

... Petitioner

Vs.

1.The Registrar General,
High Court of Judicature at Madras,
Chennai.

2.The Principal District Judge,
Sivagangai,

3.The Chief Judicial Magistrate,
Sivagangai.

4.The State of Tamilnadu,
Represented by
Principal Secretary,
Home Department,
Chennai.

... Respondents

PRAYER:This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned Judicial Notification No.G2/19397/2019, dated 06.09.2019, on the file of the 3rd respondent and published in Sivaganga District Gazette insofar as redefining the areas within the local limits of Nerkuppai Police Station to the jurisdiction of the District Munsif-cum-Judicial Magistrate Court at Singampunari and quash the same as illegal.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Samidurai
(R1 to R3)



For Respondent-4

: Mr.A.K.Baskarapandian
Special Government Pleader

O R D E R

(Order of this Court was made by T.S.SIVAGNANAM, J)

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Heard Mr.G.Prabhu Rajadurai, learned Senior Counsel appearing for the petitioner, Mr.K.Samidurai, learned counsel for R1 to R3 and Mr.A.K.Baskarapandian, learned Special Government Pleader for R4.

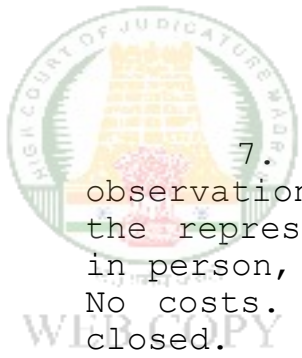
2. By consent, this Writ Petition is taken up for final disposal.

3. The petitioner an agriculturist and a business man residing in Nerkuppai Town Panchayat limit and also a political functionary, is before this Court by way of this Writ Petition, designed as a Public Interest Litigation, challenging the Notification issued by the Chief Judicial Magistrate, Sivagangai, in exercise of his power under Section 14(1) of the Code of Criminal Procedure, 1973.

4. The grievance of the petitioner is that the local limits of the area, in terms of Police Station, has been set out in the Notification and Nerkuppai Police Station has been allotted to the jurisdiction of the District Munsif-cum-Judicial Magistrate Court, Singampunari. It is the submission of the learned counsel for the petitioner that it is appropriate that Nerkuppai Police Station is retained within the jurisdiction of the District Munsif-cum-Judicial Magistrate, Thirupathur, instead of attaching it to the jurisdiction of the Court to be newly formed at Singampunari.

5. The petitioner in the typed set of papers has also enclosed a resolution passed by the Advocate Association, consisting the Advocates practicing before the District Munsif- cum-Judicial Magistrate, Thirupathur, dated 16.09.2019.

6. In our considered view, the local limits of the area of a Court is done after a consultative process with the Principal District Judge and the Chief Judicial Magistrate. Various factors are taken into consideration before defining the local limits. Therefore, in exercise of our jurisdiction under Article 226 of the Constitution, it will not be appropriate for us to substitute our views. Nevertheless, since the Advocate Association has already submitted a representation, we permit the Advocate Association to pursue the representation by personally meeting the Principal District Judge and Chief Judicial Magistrate, who in turn, will bring the same to the notice of the Hon'ble Portfolio Judges of Sivagangai District and a reasonable solution can be arrived at in the matter.



7. Therefore, we dispose of this writ petition with an observation that it is open to the Advocate Association to pursue the representation before the Principal District Judge by meeting in person, who shall take forward the matter in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

1.The Registrar General,
High Court of Judicature at Madras,
Chennai.

2.The Principal District Judge,
Sivagangai,

3.The Chief Judicial Magistrate,
Sivagangai.

4.The Principal Secretary,
The State of Tamilnadu,
Home Department,
Chennai.

+2 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-89224 & 89741 [F]
dated 25/09/2019)

+1 CC to M/s.GP (SR-89849[F] dated 26/09/2019)

W.P.(MD) .No.20614 of 2019
25.09.2019

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