

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.34638 of 2019
and W.M.P.No.35390 of 2019

C.Balakrishnan Petitioner

-vs-

- 1.The Registrar General
High Court Madras,
Chennai 600 104.
- 2.The State of Tamilnadu
rep. by the Principal Secretary,
Law Department, Fort St. George,
Chennai 600 009.
- 3.The State of Tamilnadu,
rep. by the Principal Secretary,
Home Department, Fort St. George,
Chennai 600 009.
- 4.The State of Tamilnadu,
rep. by the Principal Secretary,
Revenue Department, Fort St. George,
Chennai 600 009.
- 5.The District Collector,
Namakkal District, Namakkal. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 5 to establish and construct the District Munsif Court, Judicial Magistrate Court and Taluk office for Kumarapalayam Taluk at Pallipalayam Municipality limits, Namakkal District, based on the representation of the petitioner dated 03.10.2019 within a suitable time.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.V.Vijayshankar for R-1

ORDER

(Order of the Court was made by Subramonium Prasad, J.)

The instant writ petition is one for a mandamus directing the respondents to establish and construct District Munsif Court, Judicial Magistrate Court and Taluk Office for Kumarapalayam Taluk at Pallipalayam Municipal Limits in Namakkal, instead of Kumarapalayam Municipal Limits, Namakkal.

2.This Public Interest Litigation has been filed by a permanent resident of Pallipalayam, Kumarapalayam Taluk. The Government has issued G.O.Ms.No.16, Revenue Va.Ni.1(1) Department, dated 08.01.2016, bifurcating Tiruchengode Taluk and for establishing Kumarapalayam Taluk. All the offices in the new Taluk are now to be constructed in Kumarapalayam only. The grievance of the petitioner is that they would have to commute a distance of 30 kms. to a new place where the Courts and other Offices are to be situated, which will cause inconvenience to the people residing in that area. It is also contended that new place is also not well connected by buses and it will not be in the interest of the people living in the locality. It is this Government Order which is under challenge in the instant petition.

3.It is trite law that Courts cannot run Government (refer Common Cause (A Regd.Society) vs Union of India and Others reported in 2008 (5) SCC 511; Divisional manager, Aravali Golf Club and another vs Chander Hass reported in 2008 (1) SCC 683; Balco Employees Union (Regd) vs Union of India and Others reported in 2002 (2) SCC 333 and Narmada Bachao Andolan vs Union of India and Others reported in 2000 (10) SCC 664. Where the offices or Courts should be situated is purely a matter of policy and it is not for the Writ Courts exercising jurisdiction under Article 226 of the Constitution of India to decide where the Courts, Offices, etc., should be situated. Further, there is no right for the petitioner to dictate as to where the offices, Courts, etc. must be constructed. In any event, admittedly, the distance between the two places is only 30 kms.

In view of the above, we do not find any merit in the present writ petition and it is, accordingly, dismissed. No costs. Consequently, W.M.P.No.35390 of 2019 is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Registrar General,
High Court Madras,
Chennai 600 104.
- 2.The Principal Secretary to Govt. of Tamilnadu
Law Department, Fort St. George,
Chennai 600 009.
- 3.The Principal Secretary to Govt. of Tamilnadu,
Home Department, Fort St. George,
Chennai 600 009.
- 4.The Principal Secretary to Govt. of Tamilnadu,
Revenue Department, Fort St. George,
Chennai 600 009.
- 5.The District Collector,
Namakkal District, Namakkal.

+1cc to Mr.W.Camyles Gandhi, Advocate Sr.349

+1cc to Mr.V.Vijay Shankar, S.C for R.G Advocate Sr.259

WEB COPY

W.P.No.34638 of 2019

spd[co]
srg 28/01/2020