



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND**

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.13217 of 2021

Ukkrapandiyan

... Petitioner

Vs

1.The Registrar - Administration,
Madurai Bench of Madras High Court,
Madurai - 625 023.

2. The Registrar - Judicial,
Madurai Bench of Madras High Court,
Madurai - 625 023.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to resume physical hearings fully and to open the lawyers chambers for the use of advocates in the Madurai Bench of Madras High Court by taking into account the petitioner's representation dated 26.07.2021 which would ultimately benefit the litigant public and the civil society at large.

For Petitioner

: M/s. Rajini. A

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

This is an ill-advised and utterly meaningless petition made by an uninformed lawyer and against public interest.

2.For the purpose of the petitioner's profession, the petitioner requires Courts to open so that the business may flourish. The petitioner must be reminded that the entirety of the restrictions clamped by the State following the lockdown imposed in the wake of second surge of the pandemic has not been lifted. There is no conclusive scientific opinion as of date as to when a third or subsequent surge may arrive and the number of positive cases has been going up in a neighboring State at an alarming level over the last few days.

3.This Court has continuously warned that in such a situation, in public interest and to safeguard the health of all concerned, one must err on the side of caution. As it is there is



the experience of the havoc that has been wreaked by the second surge of the pandemic since the country was caught unawares. Experts advise that the only protection is for vaccination to be completed so that even if the virus attacks an individual, the chance of fatality would stand reduced.

WEB COPY 4. Courts have been substantially opened in the State, including the High Court at its Principal Seat and in Madurai. Some form of physical hearing is possible upon permission being obtained. As far as virtual hearing is concerned, the performance in Madurai appears to be much better than at the Principal Seat.

5. While it is appreciated that not all persons, particularly parties intending to appear in person, may have access to smart phones or laptops or other gadgets to participate in the virtual hearing, matters are being taken up and disposed of on a regular basis without dismissal for default or *ex parte* orders being made. By and large, the substantial part of the working day is taken up by Judges sitting in Court, if not for the entirety of the working hours, without the Board being completed in certain cases.

6. In the light of the above, uninformed petitions of the present kind are eminently avoidable, if only to allow the Court to concentrate on matters which require its attention and not waste time on the frivolous and the fanciful.

7. W.P.(MD) No.13217 of 2021 is dismissed. The petitioner should exercise extreme restraint before invoking this extraordinary jurisdiction in public interest in future.

There will no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note In view of the present lock down owing to COVID-19 pandemic,
: a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Registrar - Administration,
Madurai Bench of Madras High Court,
Madurai - 625 023.
2. The Registrar - Judicial,
Madurai Bench of Madras High Court,
Madurai - 625 023.

W.P. (MD) No. 13217 of 2021
29.07.2021

SAR (CO)
LR (06.08.2021) 3P 3C