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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 15556 of 2016
and
W.M.P. No. 13523 of 2016

Tamil Nadu Nugar Porul Vaaniba Kalaga Anaithu
Thozhilalar Munnetra Sangam,
Rep. by its Honorary President,
Mr. Mayalagu,
4/1027, Siddhi Vinayagar Koil Street,
Tasildhar Nagar,
Madurai - 20.

... Petitioner

-vs-

1. The Management of Civil Supplies Corporation Ltd.,
Rep. by its Managing Director,
Door No. 42, Dr. Thambusamy Road,
Kilpauk,
Chennai - 600 010.
2. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation Limited,
No. 1, Sachidanandam Mooponar Road,
Post Box No. 59,
Membalam,
Thanjavur - 1.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to regularize the 99 persons working as daily laborers in Pillayarpatthi open storage point now converted into covered godown and Ammanpettai Modern Rice Mill.

For Petitioner : Mr. G.Rajan

For Respondents : Mr. P.Paramasiva Doss



O R D E R

Heard Mr. G.Rajan, Learned Counsel for the Petitioner and Mr. P.Paramasiva Doss, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is borne out from the materials placed on record that the Petitioner, which is an federation of registered associations of employees of Civil Supplies Corporation and situated at Madurai, has filed this Writ Petition for directing the First Respondent to regularize 99 persons working as daily laborers in Pillayarpatti open storage point now converted into covered godown and Ammanpettai Modern Rice Mill in Thanjavur District, which is within the territorial limits of jurisdiction of the Madurai Bench of the Court.

3. The only reason stated for having approached the Principal Seat of this Court instead of approaching the Madurai Bench of this Court is that the office of the First Respondent is situated at Chennai within the territorial limits of jurisdiction of the Principal Seat of this Court. There cannot be any doubt that the First Respondent exercises powers for the whole of the State of Tamil Nadu, but that cannot be said to mean as if the cause of action arises within the territorial limits of jurisdiction of the Principal Seat of the Court. Even if it is assumed that the Principal Seat of the Court would also have territorial jurisdiction, the principle of forum conveniens would come into play as held by the Division Bench of this Court in C. Ramesh -vs- The Director General of Police (Order dated 06.06.2013 in W.P. (MD) No. 8790 of 2013), as follows:-

"7. Exercise of jurisdiction is based on arising of the cause of action, either in whole or in part in any one of the said Revenue Districts. [See RAJASTHAN HIGH COURT ADVOCATES' ASSOCIATION Vs. UNION OF INDIA AND OTEHRS (2001 (2) SCC 294) and B.STALIN Vs. THE REGISTRAR, SUPREME COURT OF INDIA AND OTHERS (2012 (3) LW 489 (FB))].

8. It should be remembered that the part of cause of action must be substantial in nature. The territorial jurisdiction of the Court is linked with the place of accrual of cause of action. [See U.P. RASHTRIYA CHINI MILL ADHIKARI PARISHAD, LUCKNOW Vs. STATE OF U.P. AND OTHERS (1995 (4) SCC 738)].

9. Referring to KUSUM INGOTS & ALLOYS LTD. Vs. UNION OF INDIA (2004 (3) CTC 365), a Full Bench of this Court in SANJOS JEWELLERS Vs. SYNDICATE BANK,



BANGALORE AND OTHERS (2007 (5) CTC 305), held as under:-

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"30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the Doctrine of forum conveniens. [See BHAGAT SINGH BUGGA Vs. DEWAN JAGBIR SAWHNEY, AIR 1941 CAL 670 : ILR (1941) 1 CAL 490; MADANLAL JALAN Vs. MADANLAL, 1945 (49) CWN 357; AIR 1949 CAL 495; BHARAT COKING COAL LTD. Vs. JHARIA TALKIES & COLD STORAGE (P) LTD., 1997 CWN 122; S.S.JAIN & CO. Vs. UNION OF INDIA, 1994 (1) CHN 445, and NEW HORIZONS LTD. Vs. UNION OF INDIA, AIR 1994 DEL 126]."

10. Question of entertaining a lis disclosing a cause of action or part of cause of action is based on the averments contained in the affidavit etc. At that stage, the truth or otherwise of the averments need not be gone into. But, there must be necessary averments disclosing a cause of action, so that the Court can take cognizance of/entertaining the lis exposed in the petition for taking further action. [See OIL AND NATURAL GAS COMMISSION Vs. UTPAL KUMAR BASU AND OTHERS (1994 (4) SCC 711)].

11. A Court cannot arrogate/assume/confer upon itself a jurisdiction-territorial jurisdiction, when it has no such jurisdiction. Lack of jurisdiction to entertain a matter goes to the root of the matter, otherwise whatever action taken or orders passed by the Court becomes a nullity, it is non est and of no consequence at all resulting in wasting of precious public time. Courts are barred from indulging in hypothetic and academic exercises."

Having regard to the aforesaid legal position, there does not appear to be any justification to entertain the Writ Petition for the relief sought in this Court. Though obvious, it is made clear that no view has been expressed by this Court on the correctness or otherwise on the merits of controversy involved in the matter.



4. Accordingly, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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AD(CO)
CT/27/06/2022