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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **23.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 29041 of 2022

And

W.M.P.Nos. 28327, 28328 & 28329 of 2022

Tuticorin Salt and Marine Chemicals Ltd.,
Rep. by Executive Director M.P. Dileep
Harbour Link Road,
Tuticorin – 628 001.

... Petitioner

..Vs..

1. The Union of India
Ministry of Shipping, Rep. by its Secretary
New Delhi – 110 001.
2. The Chairman
V.O.C.Chidambaranar Port Authority,
Previously known as
V.O.Chidambaranar Port Trust
Tuticorin – 628 004.



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3. The Chief Engineer and Estate Officer
Civil Engineering Department
Estate Management Division
V.O.C. Chidambaranar Port Authority
Previously known as
V.O.Chidambaranar Port Trust
Tuticorin – 628 004.

4. M/s. Pannaiyar Salt Traders,
111, Katcheri Street, Palayakal
Tuticorin – 628 152.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the entire records of the second respondent in Resolution No.43 of 2022-2023 dated 21.09.2022 and quash the same and consequentially direct the second respondent to cancel the allotment made to the fourth respondent and allot the petitioner the salt pan lands by the matching the rate tendered to the fourth respondent.

For Petitioner	:: Ms. AL.Gandhimathi Senior Counsel
For RR 2 & 3	:: Mr. K.Senthilvelan Standing Counsel
For 4 th Respondent	:: Mr.V.Raghavachari for Mr.V.Arul

**ORDER**

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The Writ Petition has been filed by the Tuticorin Salt and Marine Chemicals Ltd., represented by Executive Director, Tuticorin. The first respondent is the Union of India, Ministry of Shipping represented by its Secretary, New Delhi. There has been no appearance on behalf of the first respondent because the first respondent is neither a necessary party nor a proper party, nor even required. They have not appointed any Advocate to advance arguments before this Court. The second and third respondents are, the Chairman, V.O.C. Chidambaranar Port Authority, Previously known as V.O. Chidambaranar Port Trust at Tuticorin and the Chief Engineer and Estate Officer, Civil Engineering Department, Estate Management Division, V.O.C.Chidambaranar Port Authority at Tuticorin.

2. The Standing Counsel for the second and third respondents Mr. K.Senthilvelan, has entered appearance. The fourth respondent is also at Tuticorin. Mr. V.Arul, learned counsel had entered appearance on behalf of the fourth respondent and Mr.V.Raghavachari, learned counsel has advanced arguments on behalf of the said counsel.



3. The entire issue surrounds an 'E' Tender which had been floated by the second and third respondents relating to E-Tender cum E-Auction of allotment of port salt pan land at V.O.Chidambaranar Port Trust at Tuticorin and measuring 262.80 acres on the eastern side and western side of link road area and located on the northern side of Port railway track more specifically described as follows:-

<i>Sl.No.</i>	<i>Location</i>	<i>Purpose</i>	<i>Area in Acres</i>	<i>GIS Co-ordinate</i>	<i>Village name</i>	<i>Survey No.</i>
1.	Eastern side of link road area	Production of salt	201.19	N-8o 76' E-78o 15'	Millavittan	1730, 1733, 1735, 1736
					Millavittan	807, 810
2.	Western side of link road area	Production of salt	61.61	N-8o 77' E-78o 16'	Millavittan	1731, 805
					Mullakkadu	348, 349, 350

4. Arguments had been advanced on merits by the learned counsel for the Writ Petitioner. However, during the course of arguments, it had become clear that this Court has no jurisdiction to examine any of the points urged, particularly since, the Madurai Bench of the Madras High Court had been specifically established to deal with matters arising from the



Southern Districts of Tamil Nadu. There has been clear limitation of jurisdiction of matters to be heard by the Principal Bench and by the Madurai Bench.

5. As stated, the E-Auction cum Tender was also floated only pursuant to a decision taken at Tuticorin by the second and third respondents. They have office only at Tuticorin. The auction relates to lands at Tuticorin. The petitioner also has their office only at Tuticorin. The successful bidder / the fourth respondent also has their office at Tuticorin. They have no connection with Chennai or with any of the Districts over which the Principal Bench exercises jurisdiction.

6. A preliminary issue is therefore urged by Mr. V.Raghavachari, the learned counsel for the fourth respondent that this Court would only be usurping the jurisdiction not directly vested by any law and therefore the learned counsel urged caution in exercising such jurisdiction and determining the issues raised in the Writ Petition on merits.



7. The Court required a clarification as to the option available in such a circumstance.

8. In that connection, a Judgment of a learned Single Judge of this Court had been forwarded. The said Judgment had been rendered in *W.P.No. 10560 of 2022 dated 17.11.2022 [Sri Annamalainathar Temple having Office at Tenkasi District Vs. the State of Tamil Nadu rep. by its Secretary and the Commissioner, Hindu Religious & Charitable Endowment Department and both at Chennai and the Executive Officer of Sri Gopalakrishnawamy Temple at Tenkasi and the Joint Commissioner Tirunelveli District, the Joint Commissioner, Thoothukudi District, The Assistant Commissioner, Tenkasi district and the Inspector, Hindu Religious and Charitable Endowment Department, and an individual S.S.Haja Mohaiden.*

9. The learned Single Judge was confronted with the same issue that the Principal Bench had no jurisdiction to examine that particular Writ Petition. It was stated that even in that Writ Petition, the temple relating to which the relief was sought and the office of the third to seventh



respondents, who are the actual respondents, who can examine the issues raised are located within the territorial jurisdiction of the Madurai Bench of this Court. The only reason why that particular Writ Petition was filed in the Principal Bench was that the first and second respondents, namely, the State of Tamil Nadu represented by its Secretary, Department of Tourism, Culture and Religious Endowments and the Commissioner of HR & CE had offices at Chennai. But they were not the authorities, who could effectively examine the issues raised.

10. In the instant case, as stated, there has been no orders/document executed or act undertaken within the jurisdiction of this Court. They all happened at Tuticorin. The Madurai Bench alone can exercise exclusive jurisdiction when questions are raised over those orders. The first respondent is a wholly unnecessary party to the Writ Petition. They have also not, as stated above, bothered to even be represented in this Writ Petition since they are not directly or indirectly connected with the issues raised.



11. The learned Single Judge in the Judgment referred by me (**Sri Annamalai nathar Temple**) supra had observed as follows:-

“4. Even if it is assumed that a part of cause of action has arisen within the territorial limits of jurisdiction of this Court, the doctrine 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), after considering the aforesaid decisions relied by the Petitioner in this case, 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 OTHERS (2001 (2) SCC 294) and B.STALIN Vs. THE REGISTRAR, SUPREME COURT OF INDIA AND OTHERS (2012 (3) LW 489 (FB))**].*



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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:- "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 6/10 <https://www.mhc.tn.gov.in/judis> W.P. No. 10560 of 2022 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.”

12. The observations can be directly imported, with much pleasure, to the facts of this case.

13. Though the learned counsel for the petitioner had advanced arguments on merits and the learned counsel for the second and third respondents had also pointed out the tender conditions and the learned counsel for the fourth respondent had also passed over precedents relating to the issues raised in this particular case, including a Judgment rendered by me in ***W.P.Nos. 32957 & 33477 of 2022 dated 19.12.2022 [M/s. Fun World and Resorts India Pvt., Ltd., Vs. The Principal Secretary to Government, Tourism, Culture, Religious Endowments, and Chairman, Tamil Nadu Tourism Development Corporation, Fort St. George, Secretariat, Chennai and others]*** which is more or less on a similar aspect.



14. I hold it may not be proper on my part to examine the issues raised when there is no jurisdiction vested in this Court. Jurisdiction to entertain a matter goes to the root of the matter and any order passed would only be a nullity and would be subject matter of an appeal either way and therefore, I hold I would err on the side of caution and refuse to exercise jurisdiction.

15. A perusal of the records also reveals that the Registry had actually returned the papers and had raised the question of maintainability of the Writ Petition before this Bench. It had been justified by stating that there were several other Writ Petitions pending before this Court filed by the petitioner. The petitioner had also for good measure filed yet another Writ Petition before the Madurai Bench of this Court. The petitioner had therefore moved freely before the Madurai Bench and the Principal Bench as per their convenience. This should not be permitted. It is prohibited.

16. This Court has no jurisdiction.

17. This Writ Petition stands dismissed. No costs. W.M.P.No. 28327 of 2022 seeking dispense with is allowed. W.M.P.No. 28328 & 28329 of 2022 is closed.



18. After the order has been dictated in open Court, the learned counsel for the petitioner stated that this order of dismissal had been passed on the last date before closure for Christmas vacation. This matter was listed before me on 19.12.2022. At request by the learned counsels, it was adjourned today (23.12.2022). That adjournment was also protested by the fourth respondent, who stated that an order of stay was working against the fourth respondent. The matter was called earlier in the forenoon session. The learned counsel for the petitioner sought a pass over. This Court had actually indicated an adjournment, but again that was protested by the learned counsel for the fourth respondent stating that an order of stay was working against the fourth respondent. The matter had been therefore taken up at 2.15 p.m., and held that this Court has no jurisdiction and that this Court should not even examine the merits of the case. The exchanges in this regard are placed on record.

23.12.2022

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order



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C.V.KARTHIKEYAN, J.,

vsg

To

1. The Secretary
The Union of India
Ministry of Shipping,
New Delhi – 110 001.
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