



WEB COPY



W.P. No. 1621 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

**W.P. No. 1621 of 2021
and
W.M.P. No. 1830 of 2021**

M.Ananda Krishnan

... Petitioner

-VS-

1. Tamil Nadu Information Commission
Rep. by Tamil Nadu Information Commissioner
No.2, Thiyagaraya Road, Teynampet
Chennai-600018.
2. The Registrar (Appellate Authority RTI)
Manonmanium Sundaranar University
Tirunelveli – 627012.
3. The Public Information Officer
Manonmanium Sundaranar University
Tirunelveli – 627012.

...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Case No. SA50/D/2020 dated 12.08.2020 issued by the First Respondent, quash the same and direct the Respondents to furnish information sought by the petitioner vide representation dated 20.10.2020.



WEB COPY



W.P. No. 1621 of 2021

For Petitioner : Mr. R.Subramanian

For Respondents : Mr. Niranjana Rajagopal
for M/s. G.R. Associates (for R1)

Mr. S.Nambi Arooran
for M/s. Ajmal Associates (for R2 & R3)

ORDER

Heard Mr. R.Subramanian, Learned Counsel for the Petitioner, Mr. Niranjana Rajagopal, Learned Counsel appearing for the First Respondent and Mr. S.Nambi Arooran, Learned Counsel appearing for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had sought information by application dated 23.11.2019 under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as 'the Act' for short) from the Third Respondent regarding the following:-

“1. Date on which the Registrar received my letter dated 20.10.2019.

2. a) Whether the Registrar / University sent any



W.P. No. 1621 of 2021

WEB COPY

acknowledgment for the receipt of the above letter to the petitioner (me) as per the G.O. Ms. No. 99 (P & AR) dated 21.09.2015.

b) If yes, please give a copy of the same.

3. Please provide a copy of the whole file relating to the action taken on my petition dated 20.10.2019.

4. Whether the University sent any communication (Speaking order) to the petitioner about the action taken on the petition as stipulated in the G.O. Ms. No. 99 (P & AR) dated 21.09.2015.

5. Number of Principals for whom the University has given eligibility / Qualification approval who were appointed after June 2006, without following UGC Regulations 2000, 2010, 2018, UGC regulation affiliation 2009, court order, etc.

6. Please give the name of Principals with college name for



W.P. No. 1621 of 2021

whom the university has granted eligibility / Qualification approval who were appointed after June 2006 without following UGC Regulations 2000, 2010, 2018, UGC regulation on affiliation 2009, court order, etc. ”

In respect of the same, a reply dated 04.12.2019 had been furnished by the Third Respondent to the Petitioner as follows:-

“Question No.1: Received on 21.10.2019.

Question No.2: No. As the University is in the process of gathering the records pertaining to the period (from 2006) sought by the Petitioner, the University is yet to reply.

Question No.3: As the Petitioner requested for huge volume of records, the Petitioner is permitted to peruse the records available in the College Development Council during the office hours between 10.00 a.m. to 5.30 p.m. with prior intimation to the undersigned.

Question No.4: No.



W.P. No. 1621 of 2021

WEB COPY *Question No.5: No. All eligible Principals were granted qualification approval, based on UGC Regulations only.*

Question No.6: Does not arise. ”

The Petitioner had preferred first appeal dated 13.12.2019 against the said order under Section 19(1) of the Act, and the Second Respondent by Proceedings in Ref. No. MSU/R/RTI/20(1)/Nov./2019 dated 20.12.2019 informed the Petitioner that the question of withdrawal of qualification approval granted to teachers does not arise. Thereafter, the Petitioner had preferred second appeal dated 10.01.2020 under Section 19(3) of the RTI Act and the First Respondent by order dated 12.08.2020 in Case No. SA50/D/2020 has directed the Public Information Officer to furnish the information to the Petitioner as to whether the Principals of the Colleges under the University of the Second and Third Respondents have been granted approval as per the Regulations of the University Grants Commission, which is assailed in this Writ Petition.

3. It is borne out from the materials placed on record that the matter in dispute relates to Manonmanium Sundaranar University, Tirunelveli situated



W.P. No. 1621 of 2021

within the territorial limits of jurisdiction of the Madurai Bench of this Court.

The only reason stated by the Petitioner for approaching the Principal Seat of this Court instead of Madurai Bench is that the office of the First Respondent is located in Chennai. There cannot be any doubt that the First Respondent exercises powers for the whole of the State of Tamil Nadu, but it cannot mean as if the cause of action has arisen within the territorial limits of jurisdiction of the Principal Seat of this Court at Chennai. Even if it is assumed that a part of cause of action has arisen within the territorial limits of jurisdiction of this Court, the principle of *forum conveniens* would come into play as held by the Division Bench of this Court in **C.Ramesh -vs- 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 OTHERS (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*



W.P. No. 1621 of 2021

Court is linked with the place of accrual of cause of action. [See

WEB COPY *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:



W.P. No. 1621 of 2021

WEB COPY

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*



W.P. No. 1621 of 2021

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 hypothetical and academic exercises.”

Having regard to the aforesaid legal position *viz-a-viz* factual matrix of this case, the cause of action for the Writ Petition, would have to be necessarily construed as having arisen wholly outside the territorial limits of jurisdiction of the Principal Bench of this Court, notwithstanding that the office of the First Respondent is located in Chennai.

4. That apart, on a perusal of the impugned order, there does not appear to be any infirmity in the decision-making process of the First Respondent warranting interference by the Court in the exercise of discretionary powers of judicial review under Article 226 of the Constitution.

In the result, the Writ Petition, which is devoid of merits, is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

07.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.



W.P. No. 1621 of 2021

WEB COPY

To

1. The Tamil Nadu Information Commissioner
Tamil Nadu Information Commission
No.2, Thiyagaraya Road, Teynampet
Chennai-600018.
2. The Registrar (Appellate Authority RTI)
Manonmanium Sundaranar University
Tirunelveli – 627012.
3. The Public Information Officer
Manonmanium Sundaranar University
Tirunelveli – 627012.



WEB COPY



W.P. No. 1621 of 2021

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 1621 of 2021

07.12.2023