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Writ Petition No.2978 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

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**THE HONOURABLE MR. T.RAJA, ACTING CHIEF JUSTICE
and
THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

Writ Petition No.2978 of 2023

M.Gnanasekar

.. Petitioner

Vs.

1.The Registrar General,
High Court,
Chennai - 600 104.

2.The Registrar (Judicial),
High Court,
Chennai - 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to list the cases mentioned in the representation of the petitioner dated 12.10.2022 for hearing before the appropriate Courts concerned.

For Petitioner : Mr.M.Gnanasekar
Party-in-Person

For Respondents : Mr.Karthik Ranganathan



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ORDER

[Made by the Hon'ble Acting Chief Justice]

The petitioner, who is a practising Advocate, has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents [Registrar General and Registrar (Judicial)] to list the following cases mentioned in his representation dated 12.10.2022 for hearing before the appropriate Courts concerned:

<i>Sl.No.</i>	<i>Date of Letter submitted by petitioner</i>	<i>Case No.</i>
1.	07.01.2021	W.P.No.4558/2021
2.	03.08.2021	W.P.No.2478/2021
3.	19.08.2021	W.P.No.17301/2021
4.	23.08.2021	W.P.No.2478/2021
5.	01.09.2021	W.P.No.2478/2021
6.	01.09.2021	W.P.No.14854/2021
7.	14.09.2021	W.P.No.17301/2021
8.	20.09.2021	W.P.No.8000/2021
9.	22.09.2021	W.P.No.5249/2021
10.	22.09.2021	W.P.No.7194/2021
11.	24.09.2021	W.P.No.673/2021
12.	30.09.2021	W.P.No.12905/2020
13.	30.09.2021	W.P.No.2958/2021



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Sl.No.	Date of Letter submitted by petitioner	Case No.
14.	01.12.2021	W.P.No.25840/2017
15.	01.12.2021	W.P.No.21579/2015
16.	01.12.2021	W.P.No.25313/2015
17.	03.12.2021	W.P.No.7132/2019
18.	16.12.2021	W.P.No.9905/2020
2022		
1.	06.01.2022	W.P.No.33097/2022
2.	28.01.2022	W.P.No.2958/2020
3.	01.02.2022	Crl.R.C.No.825/2021
4.	01.02.2022	W.P.No.17301/2021
5.	01.02.2022	W.P.No.25840/2017
6.	01.02.2022	W.P.No.17950/2020
7.	01.02.2022	
8.	03.02.2022	Complaint letter to Registrar (Judicial) for not listing of matter.
9.	03.02.2022	W.M.P.Sr.No.5331/21
10.	07.02.2022	W.P.No.11296/2020
11.	07.02.2022	W.P.No.8571/2020
12.	08.02.2022	W.P.No.25840/2017
13.	24.02.2022	W.P.No.25840/2017
14.	28.02.2022	W.P.No.11226/2020
15.	10.03.2022	W.P.No.673/2021
16.	15.03.2022	W.P.No.25517/2018
17.	16.03.2022	W.P.No.15362/2020
18.	21.03.2022	W.P.No.25840/2017



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<i>Sl.No.</i>	<i>Date of Letter submitted by petitioner</i>	<i>Case No.</i>
19.	24.03.2022	W.P.No.2508/2019
20.	06.04.2022	W.P.No.30859/2019
21.	06.06.2022	W.P.No.17950/2020 & batch
22.	27.06.2022	W.P.No.31694/2017
23.	25.07.2022	W.P.No.15453/2019
24.	25.07.2022	W.P.No.30859/2019
25.	13.09.2022	W.P.No.25840/2017
26.	13.09.2022	W.P.No.2958/2020
27.	13.09.2022	W.P.No.17301/2021
28.	16.09.2022	W.P.No.23615/2019
29.	17.09.2022	W.P.No.13828/2020
30.	17.09.2022	W.P.No.11296/2020
31.	21.09.2022	W.P.No.673/2021
32.	27.09.2022	W.P.No.31694/2017
33.	27.09.2022	W.P.No.11840/2018
34.	28.09.2022	W.P.No.11226/2020
35.	29.09.2022	W.P.No.17301/2021

2. The petitioner, who appeared in person, submitted that he has been continuously receiving lot of complaints from his clients in respect of non-listing of cases for hearing before the concerned Court. Some of the clients have taken back their brief and one of his clients went to the extent of



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giving complaint before the Bar Council of India for not getting the cases listed for hearing.

3. The petitioner further submitted that whenever any mention is made, many of the Judges are insisting to approach the Registry by giving letters for listing and he has also given several letters for listing of cases before the concerned Court, but no response is forthcoming. Further, the system of giving hearing dates and maintaining A-Diary in all the Courts are not being followed and the cases are not listed at the given hearing dates. Therefore, the petitioner has moved the present writ petition.

4. The contention of the petitioner that the system of giving hearing dates and maintaining A-Diary in all the Courts are not being followed is untenable since whenever cases are adjourned, specific dates are given and on the specific dates, the cases are listed.

5. On a perusal of the letters given by the petitioner, we find that most of the cases mentioned in the letters pertain to the year 2021 and 2022 and only few cases are of the year 2015 and 2017.



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6. The general practice that is being followed by this Court is :

- (a) whenever a mention is made for taking up the case, upon hearing the respective counsel and taking note of the urgency involved therein, this Court would direct the Registry to list the matter irrespective of the year of the case i.e. whether it is a old case or a fresh one.
- (b) If the petitioner concerned files a petition seeking to fix an early date for hearing, taking into account the urgency involved in the matter, this Court, without any hesitation, fixes an early date for expeditious disposal of the case.

7. It is not the case of the petitioner that despite the parties concerned filed a petition for fixing an early date, the same has not been considered by the Court.

8. Though the practice of mentioning cases before the Court is not permissible, we permit the petitioner to mention the matter before the concerned Court, if there is real urgency. It is for the concerned Court to entertain the mention made by the counsel. The petitioner is also at liberty



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to file a petition seeking to fix an early date for hearing by clearly mentioning the year from which the case has been pending and the real urgency involved in the matter.

With the above observation, this Writ Petition is dismissed. No costs.

[T.R., A.C.J] [D.B.C., J]
01.03.2023

Index: Yes/No
Speaking Order/Non-speaking order
Neutral citation : yes/no
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THE HON'BLE ACTING CHIEF JUSTICE

and

D.BHARATHA CHAKRAVARTHY, J

gm

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