



WEB COPY



W.P. No. 20428 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

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

W.P. No. 20428 of 2023

S.Nagaraja Ramanujam

... Petitioner

-VS-

1. The Commissioner,
HR & CE Department,
No. 119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600034.
2. Swami Govinda Ramanujam Alias S.Govindarajan,
Palakari Mutt Manager and Secretary,
Palakari Purushothama Sangam (Regd),
No.56, Ammamandabam Road,
Srirangam,
Trichy – 6
(R2 impleaded vide order dated 22.08.2023 made in
W.M.P. No. 22276 of 2023 in W.P. No. 20428 of 2023)
3. Ramanuja Jeeyar Mutt,
Represented by Sri Parakusa Purushothama,
Ramanuja Jeeyar,
Pontiff, Sri Palahari Purushothama,
No. 56, Ammamandapam Road,
Srirangam,
Tiruchirapalli – 620006.
(R3 impleaded vide order dated 22.08.2023 made in
W.M.P. No. 21519 of 2023 in W.P. No. 2428 of 2023)

... Respondents



W.P. No. 20428 of 2023

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to approve the Members contained in Five Advisory Committee Members for the Commissioner Court Order dated 31.03.2022 vide Resolution dated 15.09.2022 of the disciples of Arulmigu Palkari Purushothama Ramanuja Jeeyar Mutt as Advisory Committee Members.

For Petitioner : Ms.S.Vijayalakshmi

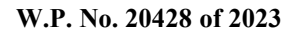
For Respondents : Mr. K.Karthikeyan,
Government Advocate
(for R1)

: Mr. Swami Govinda Ramanujam
Alias S.Govindarajan (Party-in-Person)

: Mr.K.S.Vamsidhar (for R3)

ORDER

Heard Ms. S.Vijayalakshmi, Learned Counsel for the Petitioner, Mr. K.Karthikeyan, Learned Government Advocate appearing for the First Respondent, Mr.Swami Govinda Ramanujam a S.Govindarajan appearing Party-in-Person for the Second Respondent and Mr. K.S.Vamsidhar, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.





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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 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



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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*



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COMMISSION Vs. UTPAL KUMAR BASU AND OTHERS (1994

WEB COPY (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 *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 offices of the First Respondent is located in Chennai. Though obvious, it is made clear that no view has been expressed by this Court on the merits of the controversy involved in the matter.



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4. When it is pointed out that the Writ Petition cannot be entertained in the Principal Seat of this Court in that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition with liberty to file fresh Writ Petition for the same relief before the Madurai Bench of this Court and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty.

No costs.

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NCS : Yes/No

Index: Yes/No

Note: Issue order copy by 16.10.2023.



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P.D. AUDIKESAVALU, J.

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To

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