



WP No.20988 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

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and WMP Nos.20362 and 20363 of 2023

N.S.Krishnan

.. Petitioner

-VS-

1. The Principal Secretary to Government,
Home Department,
Secretariat,
Chennai-600 009.

2. The Registrar General,
High Court, Madras.

3. The District Collector,
Erode District.
Erode – 638 011.

4. The Principal District Judge,
Erode – 638 011.
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in G.O.Rt.No.510, Home (Courts-III) Department, dated 25.05.2023 and quash the same and consequently



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direct the respondents to constitute the District Munsif-cum-Judicial Magistrate Court at Modakurichi.

For the Petitioner : Mr.K.Dhananjayan
For the Respondents : Mr.J.Ravindran,
Addl.Advocate General
assisted by
Mr.P.Muthukumar
State Government Pleader
For RR 1 and 3
: Mr.V.Vijay Shankar
For RR 2 and 4

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.K.Dhananjayan, learned counsel for the petitioner, Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 and 3 and Mr.V.Vijay Shankar, learned counsel for respondents 2 and 4.

2. The petitioner has challenged the Government Order dated 25.05.2023 thereby establishing the Court in Elumathur Village at Modakurichi Taluk.

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3. The learned counsel for the petitioner submits that the petitioner and other stakeholders had represented that the Court be established at Modakurichi Headquarters. The advocates will have to travel to a far away distance. Earlier, the Court was at Erode. Modakurichi is at a distance of 25 kms. from Erode. It will create difficulty for the advocates.

4. It appears that Modakurichi was included within the precincts of Erode for all judicial work. Now, in view of the constitution of Modakurichi Taluk, a new Court is created at Elamathur village. The Court at Erode exists even today. The new Taluk is formed, as such, the Court is situated at Elamathur village. The Government Order states that the minutes of the portfolio Judges was considered by the Administrative Committee. It is also stated in the Government Order that Elumathur Panchayat Village is located to the south of Modakurichi Town at a distance of 5.5 kms. and sufficient transport facility is available for the litigant public. The pros and cons of establishing the Court at Elamathur village has been considered before issuing the impugned Government Order. No pressing grounds exist for exercising the powers of judicial review.

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In light of that, the writ petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : yes/no

Neutral Citation : Yes/No
sra

To:

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Chennai-600 009.
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3. The District Collector,
Erode District.
Erode – 638 011.
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

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