



W.P.No.26484 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.26484 of 2024

A.Lloyd Ponnudurai

Vs

.. Petitioner

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Law Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department, Secretariat,
Fort St. George, Chennai 600 009.
3. The Registrar General,
High Court of Judicature of Madras,
Chennai 600 104.
4. The Tamil Nadu Dr.Ambedkar Law University,
Rep. by the Registrar, Poompozhi.
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
Also at M.G.R. Salai, Near Taramani,
MRTS Railway Station, Perungudi,
Chennai 600 113.
5. The Director Legal Studies,



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Purasawalkam High Road, Kilpauk,
Chennai 600 010.

6. Chennai Dr.Ambedkar Government Law College,
Rep. by the Principal, Pudupakkam,
Vandalur Taluk, Chengalpattu District 603 103.
7. Chennai Dr.Ambedkar Government Law College,
Rep. by the Principal Pattaraiperumpudhur,
Thiruvallur.
8. The Bar Council of India,
Rep. by its Secretary,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi 110 002.
9. The Bar Council of Tamil Nadu and Puducherry,
Rep. by its Secretary, Parrys,
Chennai 600 104.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to G.O.(Ms.)No.264, dated 14.09.2018 issued by the first respondent and quash the same and direct the official respondents to handover the heritage building including the land to "Dr.Ambedkar Government Law College", the erstwhile "Madras Law College" and declare the same as a "Centre for Advanced/Post Graduate Legal Studies and Research".

For the Petitioner : Ms.Srika Selvam

For the Respondents : A.Edwin Prabakar
State Government Pleader
for respondents 1, 2, 4 to 7



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: Mr.R.Srinivas
Senior Counsel
for 3rd respondent

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

Seeking a primary relief of quashment of G.O. (Ms.) No.264, Law (LS) Department, dated 14.9.2018, issued by the first respondent, the present writ petition is filed, wherein the incidental relief sought is to direct the official respondents to handover the heritage building, including the land to "Dr.Ambedkar Government Law College", the erstwhile "'Madras Law College", and declare the same as a "Centre for Advanced/Post Graduate Legal Studies and Research".

2.1. The brief résumé of the facts, as have been expounded in the writ petition, run thus: In the academic year 2018-2019, Dr.Ambedkar Government Law College, [the erstwhile "Madras Law College"], located adjacent to the campus housing the magnificent edifice of the High Court of Madras, was bifurcated and shifted to



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the backwoods, to wit, (i) to Pattarai Perumpudur in Thiruvallur District, which is 65 km away from the old campus, to conduct the Three-year Law Course and L.L.M. Courses; and (ii) to Pudupakkam in Chengalpattu District, which is 40 km away from the old campus, to conduct Five-Year Law Course. The above bifurcation and shifting of the Law College from Chennai to the newly constructed campuses, referred supra, was ordered vide G.O.(Ms.) No.188, Law (LS) Department, dated 28.06.2018, based on the recommendation made by the Justice P.Shanmugam Commission of Inquiry.

2.2. Accentuating the need for ameliorating the infrastructural facilities in the High Court, with specific reference to the inadequacy of Court Halls and Chambers to accommodate the Hon'ble Judges of High Court; shortage of space for the Registry and the staff members, besides space for maintaining and preserving the records; and the space crunch faced by the Bar Associations etc., the Registrar General of the Madras High Court, had requested the government, vide letter dated 06.09.2018 to handover the land and heritage building, wherein the Dr.Ambedkar Government Law



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College was earlier functioning, to the High Court of Madras.

2.3. The Government, vide G.O.(Ms) No.264, Law (LS) Department, dated 14.09.2018, has accepted the aforesaid request made by the Registrar General and directed the Director of Legal Studies to handover the land and buildings, including the heritage building of Dr.Ambedkar Government Law College, to the High Court of Madras.

3.1. The main plank of the argument advanced by learned counsel for the petitioner is that the act of government *per se* eroding the educational heritage and identity of the prestigious institution and thereby depriving the generations from being educated in the iconic inspiring institution, is a historic blunder. The shifting of the college from smack dab in the middle of the city to the backwoods, has immensely and intensely affected the education, health and life aspirations of the students. Further, the students have to expend a significant amount on travel expenses everyday, as there are no adequate transport facilities. There are



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no shops, proper canteen facilities or medical facilities within the proximity of the said campuses and the students must travel about 3 km to access basic amenities. The hostelers are frequently affected by the skin diseases caused by 'Paederus beetles' and such beetles are large in number in the hostel premises.

3.2. The next submission put forth by learned counsel for the petitioner is that the report of the Justice Shanmugam Commission of Inquiry has recommended conversion of the High Court Law College Campus into a Post Graduate Study Centre in Law and a training centre for legal education, so that the services of expert lawyers of the High Court in various specialized branches of law can be best utilized. However, without paying heed to the said recommendation, the government order, impugned in this writ petition, has been passed and, therefore, the same has to be set aside.

3.3. Learned counsel appearing for the petitioner has produced the government order in G.O. (Ms.) No.294, Home



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(Courts-III) Department, dated 17.06.2022, and submitted that the government had issued the said order sanctioning a sum of Rs.23,13,00,000/- for conservation and restoration of Dr.Ambedkar Government Law College Heritage Building into Court Halls; Judges Chambers; Section Offices and record room. It is contended by her that, if the Heritage building of the Law College is converted into Court Halls, Chambers and Sections, the students would be put to undue hardship.

4.1. Mr.R.Srinivas, learned Senior Counsel appearing on behalf of the third respondent, sounded a contra note underlining that Justice Shanmugam Commission of Inquiry was constituted to inquire into the causes and circumstances that led to the incidents of violence that occurred in the campus of Dr.Ambedkar Government Law College, Chennai, on 12.11.2008 and based on the findings and recommendations made by the said Commission, the Law College was shifted from Chennai to the newly constructed campuses at Pattarai Perumpudur and Pudupakkam, as per G.O. (Ms.) No.188, dated 28.06.2018.



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4.2. Learned Senior Counsel further submitted that, subsequent to the shifting the Law college, the Registrar General of the Madras High Court, vide letter dated 06.09.2018, had requested the government to handover the land and Heritage building of the Dr.Ambedkar Government Law College to the Madras High Court to meet out its growing needs and the said request was accepted by the Government and vide G.O. (Ms.) No.264, dated 14.09.2018, the Director of Legal Studies was requested to handover the land and the buildings, including the heritage building of Dr.Ambedkar Government Law College to the Madras High Court.

4.3. Learned Senior Counsel submitted that, as early as 2018, the government had issued orders handing over the land and buildings to the High Court and the High Court is in dire need of space in view of increase in the number of Judges and the consequential requirement of court halls; chambers; space to preserve/maintain records; and only the old Law College building has sufficient space to meet the needs of the High Court. Six years



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have passed since the passing of the government order and at this belated stage no interference is warranted.

4.4. It is further submitted by learned Senior Counsel that the heritage building had developed several cracks and the lime plastering also peeled off. Added to it, the weathering course was in bad condition, the building had bad ventilation and several original doors and windows had either been altered, replaced or removed. He further submitted that the tunneling work undertaken by the Chennai Metro Rail Limited further damaged the heritage building. However, these defects were rectified by CMRL later. In fact, in its report dated 1.10.2019, the Public Works Department has detailed the plan for restoration of the building and conversion of the class rooms into court halls.

4.5. Learned Senior Counsel further submitted that the Registry of High Court requested the Government to sanction Rs.23.13 crore for conservation and restoration of Dr.Ambedkar Government Law College and the Government sanctioned the



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requisite funds vide G.O. (Ms) No.294, Home (Courts-III) Department, dated 17.6.2022. Accordingly, the restoration work has started and is in progress.

4.6. According to learned Senior Counsel, the petitioner has remained in slumber all these years and now, out of the blue, when the conservation and restoration works have started and most of the classrooms have been converted into court halls, the petitioner has filed this petition, which suffers from laches.

5. Learned State Government Pleader reiterated the submissions made on behalf of learned Senior Counsel for the third respondent and submitted that the petitioner ought to have been diligent and, at this belated stage, any interference is uncalled for, more so when the issue raised in this writ petition is *in seizin* before this court in a batch of writ petitions.

6. Heard the rival submissions proponent by learned counsel on either side.



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7. The irrefutable facts culled from the asseverations made in the affidavit, the documents produced; and the submissions made on either side are as under:

- (i) Based on the recommendations of the Justice P.Shanmugam Commission of Inquiry, Dr.Ambedkar Government Law College was shifted to Pattarai Perumandur in Thiruvallur District and Pudupakkam in Kancheepuram District to conduct Five-Year and Three-Year Law courses, respectively, vide G.O.Ms.No.188, dated 28.06.2018;
- (ii) Since the High Court is facing inadequacy of Court Halls and chambers to accommodate the Hon'ble Judges, shortage of space for the Registry, staff members etc., the Registrar General of Madras High Court had requested the Government, vide letter dated 06.09.2018 to hand over the land and heritage building of the



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law College to the High Court;

(iii) Based on the above said request made by the Registrar General of Madras High Court, dated 06.09.2018, the land and Heritage building were handed over to the Madras High Court, vide G.O.Ms.No.264, dated 14.09.2018.

8. From the submissions made and the documents produced by learned counsel appearing for petitioner as well as learned Senior Counsel for the High Court, it is luculent that the government, after considering the report of Justice P.Shanmugam Commission of Inquiry, took a decision to bifurcate and shift Dr.Ambedkar Government Law College to Pattarai Perumandur in Thiruvallur District and Pudupakkam in Kancheepuram District. Thereafter, based on the necessity expressed by the High Court for additional space owing to the increase in the Judges strength and the consequential requirements, the government decided to handover the land and buildings, including the heritage building of Dr.Ambedkar Government Law College, to the High Court of



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Madras. Various factors would have been considered by the government from diverse angles for taking an administrative or policy decision.

9. The Supreme Court in ***State of Haryana v. Ashok Khemka and another, 2024 SCC OnLine SC 258***, reiterated the principle that the judiciary must exercise restraint and avoid unnecessary intervention qua administrative decision(s) of the executive involving specialised expertise in absence of any *mala fide* and/or prejudice. It is seemly to refer to the said observation hereunder:

*"25. Now, turning to the issue framed in Paragraph 22 of this Judgment above, **we find ourselves grappling with a foundational principle of our constitution i.e., that the judiciary must exercise restraint and avoid unnecessary intervention qua administrative decision(s) of the executive involving specialised expertise in the absence of any mala-fide and/or prejudice.** In this regard it would be appropriate to refer to our decision in *Caretel Infotech Ltd. v. Hindustan**



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Petroleum Corpn. Ltd., (2019) 14 SCC 81
whereunder this Court observed as under:

*'38. ... It has been cautioned that **Constitutional Courts are expected to exercise restraint in interfering with the administrative decision and ought not to substitute their view for that of the administrative authority. Mere disagreement with the decision-making process would not suffice.**'"*

[emphasis supplied]

10. In ***Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664***, the Apex Court held thus:

*"229. ... **Whether to have an infrastructural project or not and what is the type of project to be undertaken and how it has to be executed, are part of policy-making process and the courts are ill-equipped to adjudicate on a policy decision so undertaken.** The court, no doubt, has a duty to see that in the undertaking of a decision, no law is violated and people's fundamental rights are not transgressed upon except to the extent*



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permissible under the Constitution.”

[emphasis supplied]

11. The government, after examining the entire conspectus of the matter from various perspectives, has taken a decision. This Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India cannot examine the correctness of the said decision unless it is violative it is violating the fundamental rights or mala fide or unreasonable or arbitrary. It is not within the domain of the courts to embark upon an inquiry as to whether the particular policy is wise and acceptable, or whether better policy could be evolved.

12. In the case on hand, the petitioner has not placed a shred of material to prove that the decision making process is bad. The petitioner has not pleaded malice or legal mala fides in the act of the government in selecting a new site for shifting Dr.Ambedkar Government Law College to Pattarai Perumandur in Thiruvallur District and Pudupakkam in Kancheepuram District, nor in handing over the said land and building to the High Court of Madras.



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13. Further, after a lapse of the well-nigh six years, the petitioner has challenged G.O.Ms.No.264, dated 14.09.2018 in the instant writ petition. The Apex Court, ever and anon, held that the writ court should necessarily take into consideration the delay and laches on the part of the petitioner in approaching the writ court.

14. In ***Tridip Kumar Dingal v. State of W.B., (2009) 1 SCC 768***, the Apex Court held as under:

"57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime (vide State of M.P. v. Bhailal Bhai [(1964) 6 SCR 261], Moon Mills Ltd. v. Industrial Court [AIR 1967



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*SC 1450] and Bhoop Singh v. Union of India [(1992) 3 SCC 136). **This principle applies even in case of an infringement of fundamental right** (vide *Tilokchand Motichand v. H.B. Munshi [(1969) 1 SCC 110]*, *Durga Prashad v. Chief Controller of Imports & Exports [(1969) 1 SCC 185]* and *Rabindranath Bose v. Union of India [(1970) 1 SCC 84]*.”*

[emphasis supplied]

15. The delay, in the instant case, is certainly fatal to the case of the petitioner, inasmuch as much water has flown under the bridge thereafter and sanction of funds has been accorded by the government and the conservation and restoration work is in progress. Therefore, we do not find any merit in this writ petition.

16. At this juncture, it is brought to the notice of this Court that already writ petitions, being W.P.Nos.11806 of 2017, 16290, 14260 and 14600 of 2018 and 480 of 2020, are pending before this court as against the shifting of Dr.Ambedkar Government Law College from the Chennai to Kanchipuram and Thiruvallur Districts. It is seemly to refer to an observation made in the order dated



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12.4.2024 passed in the aforesaid writ petitions:

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"On the last date, we had asked learned State Government Pleader about the possibility of finding land within the municipal limits of Chennai for establishing a Government Law College.

Today, learned State Government Pleader submits that the Revenue and Disaster Management Department is contacted. The Revenue and Disaster Management Department, under letter dated 3.4.2024 addressed to the District Collector, has sought information about the availability of the land within the Chennai City to establish the Government Law College."

[emphasis supplied]

17. It is, therefore, clear as crystal that the issue herein is under active consideration by this Court in the said writ petitions and the District Collector had been addressed to furnish information about the availability of the land in the Chennai City to establish the Government Law College.



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18. Learned counsel for the petitioner, at this stage, besought the Court to grant liberty to approach the appropriate forum seeking shifting of the Law Colleges from Kanchipuram and Thiruvallur District to Chennai, airing all the grievances raised in the present writ petition.

For the foregoing reasons, the writ petition, sans merits, is dismissed, granting liberty to the petitioner to approach the appropriate forum seeking shifting of the Law Colleges from Kanchipuram and Thiruvallur District to Chennai. There shall be no order as to costs. Connected WMP Nos.28958 and 28959 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B, J.)
09.09.2024

Index : Yes
NC : Yes
mst/sasi



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To:

1. The Secretary to Government,
State of Tamil Nadu,
Law Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The Secretary to Government,
State of Tamil Nadu,
Public Works Department, Secretariat,
Fort St. George, Chennai 600 009.
3. The Registrar General,
High Court of Judicature of Madras,
Chennai 600 104.
4. The Registrar
Tamil Nadu Dr.Ambedkar Law University,
Poompozhi, 5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
Also at M.G.R. Salai, Near Taramani,
MRTS Railway Station, Perungudi,
Chennai 600 113.
5. The Director Legal Studies,
Purasawalkam High Road, Kilpauk,
Chennai 600 010.
6. The Principal
Chennai Dr.Ambedkar Government Law College,
Pudupakkam, Vandalur Taluk,
Chengalpattu District 603 103.
7. The Principal
Chennai Dr.Ambedkar Government Law College,
Pattaraiperumpudhur,
Thiruvallur.
8. The Secretary
Bar Council of India,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi 110 002.



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9. The Secretary
Bar Council of Tamil Nadu and Puducherry,
Parrys, Chennai 600 104.

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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(mst/sasi)

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