



W.P.(MD)No.4299 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.4299 of 2025

The Kottagudi Plantations Private Ltd.,
Rep., by its Manager Administration,
No.111, Velayutham Road,
Sivakasi, Virudhunagar District.

... Petitioner

vs.

- 1.The District Collector,
Kuyilimala,
Painavu Post, Idukki,
Kerala 685 683.
- 2.The Sub Collector,
RDO Office,
Devikulam Taluk,
Idukki District, Karur.
- 3.The Secretary,
District Tourism Promotion Council,
Painavu, Idukki District,
Kerala.
- 4.The President,
Chinnakanal Panchayat Office,
Chinnakanal, Idukki District.
Kerala 685 618.



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5.The Secretary,
Chinnakanal Panchayat Office,
Chinnakanal.
Idukki District.
Kerala 685 618.

6.The Manager,
Harrison Malayalam Ltd.,
Upper Suryanelli Tea Estate,
Suryanelli, Idukki District.
Kerala 685 618.

7.Station House Officer,
Santhanpara Police Station,
Santhanpara, Idukki District.
Kerala 685 618.

8.Member of Legislative Assembly,
Devikulam Constituency,
CPI(M) Party Office,
Devikulam, Idukki District,
Kerala.

9.The Joint Regional Transport Officer,
Sub RTO Office,
Mini Civil Station, Udumbanchola,
Nedumkandam Post, Kerala 685 553.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 2 to 9 to consider the petitioner's representation dated 11.11.2024 to pass necessary resolution after convening the meeting to enhance the entry management fees payable to the petitioner company from Rs.100/- to Rs.2,000/-.

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For Petitioner : Mr.S.Sonaimuthu
For R1 to R3 : Mr.G.Suriyananth
Additional Government Pleader

ORDER

The writ petitioner seeks a writ of mandamus to direct the respondents 2 to 9 to consider the petitioner's representation dated 11.11.2024 and to enhance the entry management fees payable to the petitioner company from Rs.100/- to Rs.2000/-.

2. The respondents 1 to 5 and 7 to 9 are all State Authorities situated within the neighbouring State of Kerala. The sixth respondent is the Manager of private Tea Estate which is also situated in Kerala. The case of the petitioner is that it is the title holder of an estate known as Kolukkumalai, Theni District in Tamil Nadu. Kolukkumalai is a place known for its natural beauty and is a much sought-after tourist site.

3. The State of Kerala formed a committee called 'Kolukkumalai Safety Committee' for development and maintenance of the area. The



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respondents 2 to 9 are part of the said committee. They collect a certain fee from every tourist. The tabular column given in the affidavit shows that a sum of Rs.3,000/- is collected at Suryanelli in Kerala. An amount of Rs.100/- is paid to the writ petitioner towards its share. The petitioner claims that this amount is insufficient and that it ought to be enhanced. Therefore, the petitioner had given a representation to the respondents 2 to 9 seeking enhancement. Since it has not been considered, it has come forward with this present writ petition.

4. I heard Mr.S.Sonaimuthu for the writ petitioner.

5. While I went through the papers, I found all the respondents are persons, who are within the jurisdiction of the State of Kerala and therefore, I asked Mr.Sonaimuthu, how this Court has the territorial jurisdiction to deal with the matter.

6. Mr.S.Sonaimuthu invited my attention to paragraph No.12 of the affidavit to plead that though the committee members, namely, the respondents 2 to 9 are all in Kerala, since the writ petitioner's land is



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situated within the jurisdiction of this Court, the writ petition is maintainable before the Madras High Court. To substantiate this plea, he relies upon two judgments of this Court :

(i) M/s.Coastal Energen Pvt., Ltd., and others Vs., The State of West Bengal and others in W.A(MD).No.1018 of 2017, dated 29.11.2018;

(ii) Captain A.Nagarajan IAS Vs., The Union of India and others in W.P.No.26846 of 2015 dated 11.04.2016.

7. He pleads that Article 226(2) of the Constitution of India enables this Court to give a direction to the respondents 2 to 9 to act on the representation made by the petitioner.

8. I have carefully considered his submissions and I have gone through the authorities cited.

9. Under Article 226(2) of the Constitution of India, a High Court is entitled to give directions, orders or writs to any Government,



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authority or persons in respect of cause of action, which wholly or in part arise within the jurisdiction of the said High Court. I need not reinvent the wheel. This Article has been interpreted by several Courts including this Court and the Supreme Court.

10. For entertaining of a writ petition, the situs of authority or the person does not matter. What matters is where the cause of action has arisen. Even if a part of cause of action arises within the jurisdiction of this Court, certainly a writ petition is maintainable. In addition, I should also point out that while dealing with 'cause of action', forum convenience also has to be kept in mind prior to ordering the writ petition.

11. In the facts of the present case, Suryanelli is in Kerala. The amount from the tourists is collected there. The respondents 2 to 9, who formed the Kolukkumalai Safety Committee are within the Kerala State. The petitioner wants enhancement of the amounts, collected from tourists, by the State of Kerala from Rs.100/- to Rs3,000/-. This implies, the amount that is being collected in Kerala is sought to be enhanced.



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Therefore, in my view, the cause of action, which the petitioner pleads, arises entirely within the jurisdiction of the High Court of Kerala. For a mere fact that the petitioner resides within the jurisdiction of this Court, it does not give this Court a cause of action to give a direction to the respondents 2 to 9. Even if that is to be considered as a part of cause of action, which I think not, the convenient forum would be the High Court of Kerala.

12. Now turning to the authorities cited by Mr.Sonaimuthu, in the case of *M/s.Coastal Energen Pvt., Ltd.*, this Court came to a categorical conclusion that the cause of action had arisen within the jurisdiction of this Court and no cause of action had arisen within the jurisdiction of the State of West Bengal. In fact, in that particular case, the petitioner had approached the learned Judicial Magistrate at Kolkatta on account of the fact that the fourth respondent was residing within the jurisdiction of that Court and obtained directions for registration of an FIR for matters, which had taken place in Madurai and Thoothukudi.

13. This Court came to the conclusion, when the cause of action



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arises within the jurisdiction of this Court, the police in West Bengal do not possess jurisdiction to register the FIR. It is pertinent to point out that the writ petitioner herein is placed in the same position as the fourth respondent in that case. For the mere fact that the petitioner's situs is within the jurisdiction of this Court, does not mean this Court can give a direction to the respondents 2 to 9, when the cause of action has not arisen within the jurisdiction of this Court.

14. In so far as the second judgment, namely, ***Captain A.Nagarajan IAS*** is concerned, this Court did not go into the question of jurisdiction at all. In any event, that case related to publication of advertisement by the fourth respondent in National dailies. When the publication takes place within the jurisdiction of this Court, obviously a part of cause of action has arisen here. I should add the scope of Article 226(2) of Constitution of India, was not considered by the Division Bench in that case.

15. In the light of the above discussion, as I do not find any cause of action has arisen within the jurisdiction of this Court, I am unable to



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agree to the persuasive argument of Mr.S.Sonaimuthu. Accordingly, this Writ Petition is dismissed. This order will not prevent the petitioner from approaching the jurisdictional Court to work out his rights. No costs.

Index :Yes / No
NCC :Yes / No
Rmk

27.02.2025

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V. LAKSHMINARAYANAN, J.

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