
(2015) 04 MAD CK 0160
In the Madras High Court
Case No : Writ Petition (MD) No. 5323 of 2015

P.V. Surendran

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 09-04-2015

Acts Referred:

Citation : (2015) 04 MAD CK 0160

Hon'ble Judges : S. Manikumar, J;G. Chockalingam, J

Bench : Division Bench

Advocate : T.R. Subramanian, for the Appellant; M. Alagadevan, Special Government Pleader, Advocates for the Respondent

Final Decision : Dismissed

Judgement

S. Manikumar, J.

1. Material on record discloses that in the year 2010, petitioner, is a practising lawyer at Madurai, has made a representation, dated 02.11.2010, to the Government to establish 4 Additional District Munsif Courts and 4 Rent Controllers in Madurai City, within 15 days from the date of request, so as to reduce the pendency of cases and for rendering speedy justice for the Public. In his representation, the petitioner has stated that there are 500 Rent Control Petitions and 2000 Original Suits, pending as on 02.11.2010 on the file of the learned Principal District Munsif, Madurai. Thereafter, he has filed a Writ Petition in W.P.(MD) No. 14773/2010, a Public Interest Litigation.

2. The Hon"ble Division Bench of this Court vide order, dated 21.12.2010 in W.P. (MD) No. 14773 of 2010 disposed the writ petition, as hereunder;-

"The petitioner, who is a senior counsel practising in Madurai, has filed this writ petition in public interest seeking for a direction to the respondent to appoint four Additional District Munsifs and Four Rent Controllers in Madurai.

2. The issue involved in this writ petition cannot be resolved by passing orders on

the judicial side. The writ petition is disposed of giving liberty to the petitioner to move the District Judge concerned as well as the High Court on the administrative side, by making representation. No costs."

3. Subsequently, the petitioner, seemed to have made a representation dated 30.04.2011 to the Registrar (Administration), Madras High Court, Chennai and the Principal District Judge, Madurai setting out the same reasons. In addition to the above, he has added that 1000 Executive Petitions are pending on the file of learned Additional District Munsif Court, Madurai and 1000 Rent Control Appeals are pending on the file of learned Principal Subordinate Judge, Madurai. In the representation dated 30.04.2011 also, the learned counsel has prayed to establish 4 Additional District Munsif Court and 4 Rent Controllers in Madurai city so as to reduce the pendency of cases, within 15 days from the date of receipt of the representation, for rendering speedy justice to the public of Madurai.

4. Subsequently, the petitioner has filed W.P.(MD) No. 9961 of 2013 for a Mandamus directing the Registrar General, Madras High Court, Chennai, the learned District Judge, Madurai and the Principal Secretary to Government, (Home Courts-III) Departments, Fort St. George, Chennai, to consider the petitioner's representation dated 30.04.2011, within a time frame.

5. In W.P.(MD) No. 9961 of 2013, the petitioner has argued the case as party-in-person. Vide order dated 08.07.2013, the Hon"ble Division Bench of this Court, considered the representations made on behalf of the High Court, Madras by the Registrar General and after perusal of the records, submitted to the Hon"ble Division Bench, has recorded that the Registrar General, Madras High Court, Chennai, has sent a letter, for sanctioning 3 Additional District Munsif Court at Madurai, followed by the reminders dated 07.08.2012 and 05.07.2013. Taking note of the steps taken by the Registrar General, Madras High Court, Chennai, at paragraph 7, the Hon"ble Division Bench has given the following direction:--

"Considering the issued involved in this case, i.e., huge pendency of cases are awaiting for disposal, particularly, rent control cases, due to which the litigants are put to hardships and in view of the proposals submitted as early as on 11.12.2009, the third respondent is directed to consider the said proposal, dated 11.12.2009 followed with reminders sent on 07.08.2010 and lastly on 05.07.2013, and pass appropriate orders within three months from the date of receipt of a copy of this order."

6. Responding to the directions, in W.P.(MD) No. 9961 of 2013, dated 08.07.2013, the Principal Secretary to Government, Home (Courts III) Department, Secretariat, Chennai-9, has addressed the Registrar General, High Court of Madras, Chennai, vide letter No. 63142/Cts. III/2010-9, dated 08.08.2013, wherein at paragraph 3 it is stated as follows:--

"In this connection, I am directed to state that the Government have examined your proposal in the light of the orders of the High Court dated 08.07.2013 in W.P. (MD) No. 9931/2013 and the representation of Thiru. P.V. Surendran, Advocate

regarding constitution of three Additional District Munsif Courts at Madurai, in detail. In as much as the expenditure involved in this proposal is very high and in view of the prevailing financial situation, the proposal for constitution of three Additional District Munsif Courts at Madurai is deferred."

7. From the above reply, it could be deduced that the proposal sent by the Registrar General, High Court Madras and the representation of P.V. Surendran, Advocate, have been considered by the Government, in the year 2013 and that the Government have only deferred the proposal for constitution of three Additional District Munsif Courts at Madurai, in view of then prevailing financial constraint.

8. When the matter stood thus, again the petitioner has sent a representation on 08.11.2014, for the same prayer of establishing 4 District Munsif Courts and 4 Rent Control Courts at Madurai. Representation dated 08.11.2014 sent to the Principal Secretary to the Government, Home (Courts-III) Department, Chennai, by the petitioner does not indicate, as to what steps the petitioner has taken to ascertain the fund allocation by the Government for constitution of new Courts, whether any new proposal has been sent from the concerned learned District Judge, after the orders were issued by the Government in letter dated 08.08.2013, deferring the proposal sent by the Registrar General, High Court, Madras. Allocation of funds has been deferred only in 2013.

9. We do appreciate the intention of the learned counsel for the petitioner that more number of Courts should be set up to reduce the pendency of the cases, and for speedy disposal of cases. But, at the same time, when a Public Interest litigation is filed, the supporting affidavit and the materials enclosed in the typed set of papers should contain all the details and in particular, demarcation of funds, allotted for the purpose, for which he is fighting for. It is an undisputed fact that litigation has increased and consequently, there would be a requirement for constitution of more number of Courts. As rightly pointed out by the petitioner, a practising lawyer of considerable standing at the bar that for reducing the pendency and for speedy justice, the number of Courts should be increased, but at the same time, while filing a Public Interest Litigation, a duty is also cast upon the Public Interest Litigant to place complete particulars to the Court. Nothing prevented the petitioner from getting the particulars from the Government Home (Courts-III) Department, Chennai, under the Right to Information Act, 2005 and place it before this Court for consideration.

10. From 08.08.2013 to this date, no materials have been placed before this Court, regarding the fund allocation for constitution of new Courts. Nor there is any material to indicate that any fresh proposals have been sent from the learned District Judge, Madurai. Though this Court, on the administrative side can take up appropriate steps for constitution of new Courts, wherever there is a requirement, on the Judicial side, the Court has to satisfy as to whether the petitioner has furnished, full and complete particulars, before issuing notice, in a Public Interest Litigation. If the materials furnished do not substantiate the

requirement of PIL, then, no notice need be issued. Therefore, giving liberty to the petitioner to collect all the materials and place it before the concerned authorities, at this juncture, we are not entertaining the Public Interest Litigation. Consequently, the Writ Petition fails and the same is dismissed. No costs.