

ITEM NO.202

COURT NO.8

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos. 30842-30845/2012
(Arising out of impugned final judgment and order dated 21/08/2012
in WP No. 28144/2010, WP No. 28145/2010 and order dated 04/09/2012
in RA No. 147/2012 and in RA No. 148/2012 passed by the High Court
of Judicature at Madras)

REGISTRAR GEN. HC OF JUD. AT MADRAS & ANR.

Petitioner(s)

VERSUS

T.T. RAVICHANDRAN & ORS.

Respondent(s)

(With application for permission to place addtional documents on
record and interim relief and office report)

WITH

SLP(C) No. 17032-17033/2013

[GOVERNMENT OF TAMIL NADU REPRESENTED BY SECRETARY DEPARTMENT OF
LAW & ORS. V. T.T. RAVICHANDRAN]

(With Office Report)

Date : 07/01/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)
IN SLP 30842-45

Mr. K.S. Mahadevan Adv.
Mr. Rajesh Kumar, A.O.R.

IN SLP 17032-33

Mr. Subramonium Prasad, A.A.G.
Mr. M. Yogesh Kanna, A.O.R.
Mr. A. Santhakumaran, Adv.
Ms. Vanita Chandrakant Giri, Adv.
For Mr. B. Balaji, A.O.R.

For Respondent(s)
For RR 1

Mr. K. K. Mani, A.O.R.

UPON hearing counsel the Court made the following
O R D E R

Heard Mr. K.S.. Mahadevan, learned counsel for

the High Court, Mr. Subramonium Prasad, learned Additional Advocate General for the State and Mr. K.K. Mani, learned senior counsel for the respondents.

Leave granted.

The appeals stand disposed of in terms of the signed order.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 84-87 OF 2015
[ARISING OUT OF SLP(C) NOS. 30842-30845 OF 2012]

REGISTRAR GENERAL, HIGH COURT OF
JUDICATURE AT MADRAS & ANR. APPELLANTS

VERSUS

T.T. RAVICHANDRAN & ORS. RESPONDENTS

WITH

CIVIL APPEAL NOS. 88-89 OF 2015
[ARISING OUT OF SLP(C) NOS. 17032-17033 OF 2013]

GOVERNMENT OF TAMIL NADU REPRESENTED
BY SECRETARY, DEPARTMENT OF LAW,
CHENNAI & ORS. APPELLANTS

VERSUS

T.T. RAVICHANDRAN RESPONDENT

O R D E R

Heard Mr. K.S. Mahadevan, learned counsel for the High Court, Mr. Subramonium Prasad, learned Additional Advocate General for the State and Mr. K.K. Mani, learned counsel for the respondents.

2. Leave granted.

3. By the impugned order, the Division Bench of the High Court allowed the respondents' writ petitions and thereby

declaring the amendment namely, Section 3A of the Chennai City Civil Courts Act, 1891, inserted pursuant to the Amendment Act, 19/2010 as *ultra vires*. In fact, it was second round of litigation, since earlier, the said Amendment was upheld by the Division Bench of the High Court in the judgment reported in 2010 (8) MLJ 77. The said judgment was challenged before this Court in SLP(C) Nos. 26951-26952 of 2010 at the instance of the first respondent. The Special Leave Petitions were dismissed as withdrawn reserving the liberty to file the writ petitions impleading the State of Tamil Nadu also as a party. The said order was passed in the Special Leave Petitions on 29th October, 2010. Pursuant to the said order, the present writ petitions came to be filed by the private respondents wherein the impugned order had been passed. In fact, we find from the papers before us, being Writ Petition Nos. 28144 and 28145 of 2010 on Interim order came to be passed on 3rd April, 2012:-

"Heard.

If the assent of His Excellency, the President of India is not obtained within a period of eight weeks from today regarding the issue involved in this writ petition, then this Court will consider granting order of interim stay as prayer for. Post after eight weeks."

In the impugned order in paragraph 3, the Division Bench has stated as under:

"3. That is how the writ petitions came to be listed before this Court. As early as on 21.12.2010, the writ petitions were admitted and they were directed to be posted for hearing on 18.01.2011. thereafter, at the instance of the learned counsel appearing for the respondents, the matter was adjourned several times. On 02.04.2012, this court, after hearing the learned counsel appearing on either side, observed that, if the assent of His Excellency The President of India is not obtained within a period of eight weeks from that date with regard to the issue involved in these writ petitions, then, this Court would consider granting an order of interim stay as prayed for. Even thereafter, the matter came to be adjourned several times at the instance of the learned counsel appearing for the respondents. Therefore, it is clear that, though this court facilitated the respondents to rectify the lacuna yet, the respondents have not shown any interest to comply with the order dated 02.04.2012 passed by this Court."

4. By referring to the interim order dated 3rd April, 2012 and on the sole ground that the condition referred to namely, the assent of His Excellency the President of India was not obtained within the stipulated time limit, the Division Bench proceeded to hold that the amendment introduced by way of Section 3A by Amendment Act, 19/2010 was *ultra vires*. No other reason nor any discussion is found in the impugned order to State as to why the assent of the President of India was required in order to hold that the amendment was valid. We are, therefore, convinced that the contentions of the parties requires to be considered in

detail to find out whether the amendment introduced by way of Section 3A to the Chennai City Civil Courts Act, 1981 by Amendment Act, 19 of 2010 is valid or not. In that view, while setting aside the order impugned, the writ petitions are restored to the file of the High Court and the matters are remanded back to the High Court for consideration by the Division Bench on the question of law, on merits and dispose of the same in accordance with law.

5. As the amendment of the pecuniary jurisdiction of the City Civil Court has been enhanced, it is imperative that the writ petitions have to be decided at the earliest. We, therefore, request the High Court to dispose of the writ petitions expeditiously, preferably within three months from the date of receipt of a copy of this order.

6. The appeals stand disposed of on the above terms.

.....J
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J
[ABHAY MANOHAR SAPRE]

NEW DELHI
JANUARY 07, 2015.