

ITEM NO.202  
ION XII

COURT NO.8

SECT

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

I N D I A

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.  
titioner(s)

Pe

VERSUS

T.T. RAVICHANDRAN & ORS.  
ndent(s)

Resp

(With application for permission to place additional 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.

Signature Not Verified

UPON hearing counsel the Court made the following

Digitally signed by  
Kalyani Gupta  
Date: 2015.01.22

O R D E R

12:22:22 IST  
Reason:

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

learned the High Court, Mr. Subramonium Prasad,  
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] [SHARDA K  
APOOL] COURT MASTER COURT M  
ASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

PAGE NO. 2 OF 4  
C.A. NOS...../2015 @ SLP(C) NOS. 307842-45/2012

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. . . . . APPELL  
ANTS

VERSUS

T.T. RAVICHANDRAN & ORS. . . . . RESPON  
DENTS

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. . . . . APPELL  
ANTS

VERSUS

DENT

## 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

PAGE NO. 1 OF 4

C.A. NOS...../2015 @ SLP(C) NOS. 307842-45/2012

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

s withdrawn

were dismissed a

reserving the liberty to file the writ petitions impleading

the State of Tamil Nadu also as a party.

The said order was

The

passed in the Special Leave Petitions on 29 th 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.

e papers

In fact, we find from th

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:

PAGE NO. 2 OF 4  
C.A. NOS...../2015 @ SLP(C) NOS. 307842-45/2012

"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.  
inced that

We are, therefore, conv

the contentions of the parties requires to be considered in

PAGE NO. 3 OF 4  
C.A. NOS...../2015 @ SLP(C) NOS. 307842-45/2012

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 v

iew,

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

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[FAKKIR MOHAMED IBRAHIM KALIFULLA]

J

.....  
[ABHAY MANOHAR SAPRE]

NEW DELHI  
JANUARY 07, 2015.