

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM

THE HON'BLE Mr.JUSTICE **M.M.SUNDRESH**

W.P.No.24513 of 2015

Dr.S.P.Udayakumar

.. Petitioner

Vs.

- 1 State of Tamil Nadu rep. by  
the chief Secretary to Government  
Secretariat Chennai - 600 009
- 2 The Principal Secretary to  
Government Home Department Secretariat  
Chennai - 600 009 .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to withdraw the rest of 32 cases out of a total number of 248 cases registered against Kudankulam Nuclear Power Plant agitators as per the statement made by respondent No.1-State of Tamil Nadu before the Honourable Supreme Court of India in G.Sundarrajan V Union of India. (2014) 6 SCC 776 (Para 7 ).

For Petitioner .. Mr.M.Radhakrishnan  
For R1 & R2 .. Mr.P.Sanjay Gandhi A.G.P

**ORDER**

A counter affidavit has been filed by the respondents herein in respect of the prayer sought for in the writ petition, wherein it is stated as follows:

" With regard to the averments made in paragraph 5 of the affidavit, it is submitted that a total number of 349 cases were registered against the Anti-nuclear activists at Koodankulam. Out of the said 349 cases registered, 248 cases were identified as fit for withdrawal. By way of G.O.Ms.No.758, Home (Court- IV) Department, dated 09.10.2014, the Government of Tamil Nadu has withdrawn 213 cases, out of 248 cases, since only 213 cases were pending trial at the time of issuance of Government Order. Hence, all the pending trials cases (213) have been withdrawn vide G.O(MS).No.758, Home (Cts.IV) Department, dated 09.10.2014.

3 cases have already been disposed of by the concerned Court. As the remaining 32 cases were only under investigation at the time of issuance of Government Order the question of withdrawal of the under investigation cases does not arise. Subsequently, the said 32 cases were treated as action dropped. Therefore, the above stated 32 cases have not been mentioned in the said Government Order as withdrawn case. It is submitted that as of now no case is pending out of the 248 cases and all the 248 cases have been closed."

Thus, in view of the same, nothing survives for adjudication.

2. The learned counsel for the petitioner submitted that the particulars of 32 cases which have been treated as action dropped are not known as no other case has been withdrawn.

3. Considering the same, a direction is issued to respondent No.2, to send the particulars of 32 cases to the petitioner which have been closed as action dropped within a period of three weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of accordingly. No costs.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1 The Chief Secretary to Government  
State of Tamil Nadu,  
Secretariat Chennai - 600 009

2 The Principal Secretary to  
Government Home Department Secretariat  
Chennai - 600 009

+1 C.C. to The Government Pleader Advocate SR.NO.66912

C.C. to MR.M.RADHAKRISHNAN Advocate SR.NO.67100

W.P.No.24513 of 2015

SAI(CO)  
VS 29.12.2015