

In the High Court of Judicature at Madras

Dated: 30.09.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition Nos. 31274, 37606, 37618 and 33057 of 2007
and 1105 of 2008

M. Loganathan .. Petitioner in WP.31274/07

vs.

1. State of Tamil Nadu
rep. by its Secretary to Government
Law Department
Fort St. George, Chennai - 9.
2. Union of India
rep. by its Secretary to Government
Department of Law, Justice &
Company Affairs, New Delhi.
3. Tamil Nadu Thowheed Jamaath
rep. by its Secretary S.M.Syed Iqbal
No.30, Armenian Street
Mannady, Chennai.
4. Tamil Nadu Muslim Munnetra Kazhagam
rep. by its Students Wing Secretary
Mr. M. Zainulabideen
No.7, Vada Marai Kayar Street
Mannady, Chennai.

.. R3 & R4 impleaded as per order dated
10.12.2007 in M.P.Nos.2 & 3/07

.. Respondents in WP31274/07

K. Devaraj .. Petitioner in WP.37606/07

M. Gopalakrishnan .. Petitioner in WP.37618/07

R. Kalyanasundaram .. Petitioner in WP 1105/08

vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government
Law Department
Fort St. George, Chennai - 9.
2. The State of Tamil Nadu
rep. by its Secretary to Government
Backward Classes Department
Fort St. George, Chennai - 9. .. Respondents in WP. Nos.
37606 and 37618/2007 &
1105/2008.

1. Kongu Peravai
A registered body under the
provisions of the Tamil Nadu Societies
Registration Act, 1975
rep. by its State President M. Rajamani
14, Aranmanai Pudur, 2nd Street
Tiruppur-4.
2. I. Kokul ... Petitioners in WP.33057/07

vs.

The State of Tamil Nadu
rep. by its Secretary to Government
Backward Classes Department
Fort St. George, Chennai - 9. ... Respondent in WP.33057/07

PRAYER in all petitions: Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of Declaration, declaring Act 33 of 2007 dated 5.11.2007 published in gazette called the Tamil Nadu Backward Class Christians and Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of appointment or post in the service under the State) Act 2007 is ultravires and unconstitutional and discriminatory against the other Backward Classes in the list of notified Backward Classes on the ground of religion by providing exclusive reservation to one set of population among the Backward Classes on the basis of their population, while denying the remaining notified Backward Classes in the State of Tamil Nadu the same concession and set aside the same.

For Petitioner in : Mr. Harikrishnan
WP.No.31274/07 for M/s. La Law

For Petitioners in
WP.Nos.37606 & 37618/07
1105/08 : Mr.Su Srinivasan

For Petitioner in
WP.No.33057/07

: Mr. V.Raghavachari

For Respondents

: Mr. S.T.S. Murthi
Govt. Pleader for respondents
1 & 2 inW.P.31274/07, 37606, 37618/07
sole Respondent inW.P.33057/07

Mr. P. Mahadevan for R3
M/s. Sivaj & Sivaj for R4 in
W.P.No.31274/2007.

COMMON ORDER

(Made by The Hon'ble The Chief Justice)

Learned counsel for the petitioners state that the issue raised in the present petitions has been referred to the Constitution Bench of the Honourable Supreme Court arising from the proceedings before the Andhra Pradesh High Court.

2. Learned counsel for the parties jointly agree that the fate of the present petitions will in turn depend on the view, which would be taken by the Constitution Bench of the Supreme Court and thus, these petitions can be disposed of with a direction that the present petitions would be governed by the decision taken by the Constitution Bench of the Honourable Supreme Court arising from Civil Appeal Nos. 2628-2637 of 2010 (State of Andhra Pradesh and others vs. T.Muralidhar Rao and others etc.)

3. The writ petitions accordingly stand disposed of. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ATR

Copies to;

1. The Secretary to Government
State of Tamil Nadu
Law Department
Fort St. George, Chennai - 9.

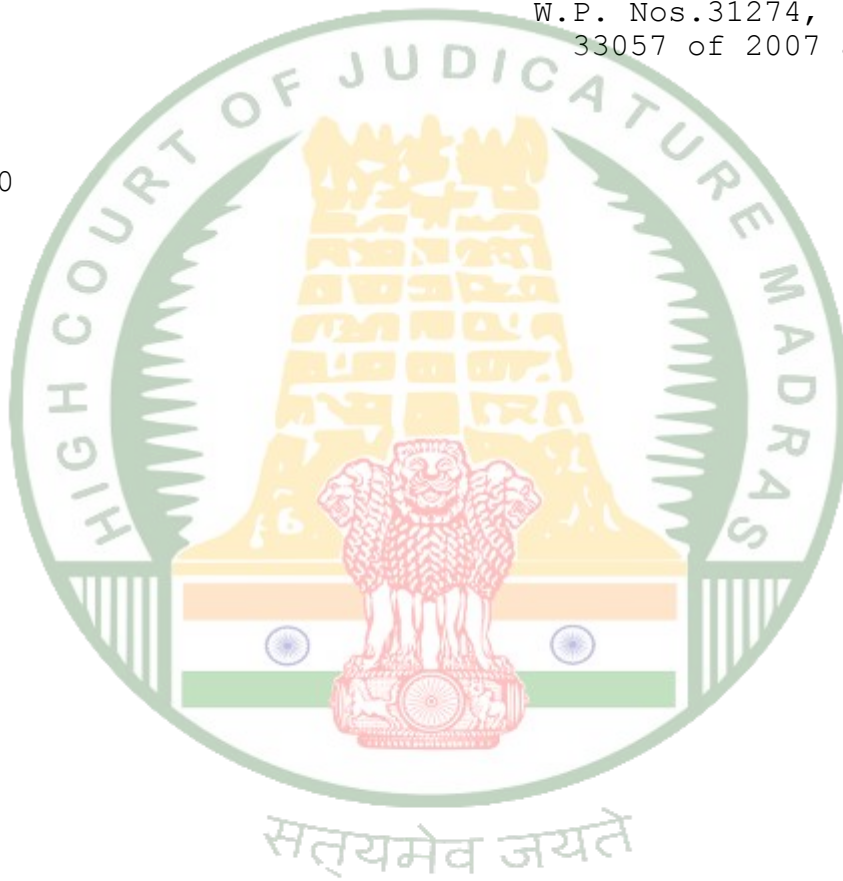
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2. The Secretary to Government
State of Tamil Nadu
Backward Classes Department
Fort St. George, Chennai - 9.

1 cc to M/s.Vanathi Srinivasan, Advocate, Sr. 53885
1 cc to Government Pleader, Sr. 53301

W.P. Nos.31274, 37606, 37618 and
33057 of 2007 and 1105 of 2008

SV (CO)
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