

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, THE CHIEF JUSTICE  
AND

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition Nos. 27251, 25723, 31435,  
31478, 31462 and 31631 of 2007

1. W.P. No. 27251 of 2007:-

B. Saravana Sathish Kumar

... Petitioner

vs.

1. The Govt. of Tamilnadu  
rep. by its Chief Secretary  
Fort St. George, Chennai-9.
2. Sri. M. Karunanidhi  
Chief Minister in Council of  
Ministers for Governor of Tamilnadu  
Fort St. George, Chennai-9.
3. The Dravida Munnetra Kazhagam  
rep. by its President Sri.M.Karunanidhi  
Anna Arivalayam, Teynampet  
Chennai 600 018.
4. The Tamilnadu Congress Committee  
rep. by Sri.M.Krishnasamy  
Sathyamurthi Bhavan सत्यमेव जयते  
Chennai 600 002.
5. The Pattali Makkal Katchi  
rep. by Sri.G.K.Mani, MLA  
Govt. Estate, Chennai-2.
6. The Dravidar Kazhagam  
rep. by its President - Periyar Thidal  
Vepery, Chennai - 7.

7. The Communist Party of India  
rep. by its State Secretary Tha. Pandiyan  
Shevaliyar Sivaji Ganesan Road  
Chennai 600 017.
  8. The Marxist Communist Party of India  
(rep. by State Secretary - N.Varadarajan)  
Dr. Shevaliar Sivaji Ganesan Road  
Chennai - 17.
  9. The Dalit Panthers of India  
rep. by its General Secretary  
Sri. Thirumavalavan  
G.N. Chetty Road, T. Nagar  
Chennai - 17.
  10. The Tamilnadu State Indian Muslim  
League, rep. by its President  
Sri.K.M.Khader Moideen, MP  
Marakkayar Labbai St.  
Mannady, Chennai 600 001.
  11. The Tamil Nadu Muslim Munnetra  
Kazhagam, rep. by M.M.Jafarullah  
Vada Marakkayar Street  
Chennai 600 001.
  12. The Marumalarchi Dravida Munnetra  
Kazhagam  
rep. by Sri.L.Ganesan, MP Peravurni  
Orathanadu Taluk, Thanjavur District.
  13. The Desiya Murpokku Dravidar Kazhagam  
rep. by its Founder President M.Vijayakanth  
Koyambedu, Chennai 600 007.
- ... Respondents

PRAYER: Writ Petition No. 27251 of 2007 filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare that the bandh conducted by the respondents on 31.3.2007 was illegal and unconstitutional and therefore respondents 1 and 2 are unfit to continue to hold their respective offices and respondents 3 to 13 have lost their respective political status.

2. W.P. No. 25723 of 2007:-

B. SARAVANA SATHISH KUMAR

... PETITIONER

Vs

\* Respondents 1 to 5 deleted as per  
Suo moto Order dated 01.08.2007  
by the Hon'ble CJ & PJMJ in  
W.P.25723 of 2007.

6. THE GOVERNMENT OF TAMILNADU  
REP BY ITS CHIEF SECRETARY  
FORT ST. GEORGE CHENNAI -9
7. THE CABINET CHIEF MINISTER  
CABINET OF GOVERNOR OF TAMILNADU  
FORT ST. GEORGE CHENNAI-9
8. THE DRAVIDAR MUNNETRA KAZHAGAM  
REP. BY ITS PRESIDENT SRI M KARUNANIDHI  
ANNA ARIVALAYAM TEYNAMPET  
CHENNAI -18
9. THE TAMILNADU CONGRESS COMMITTEE  
REP BY ITS SRI KRISHNASAMY  
SATHYAMURTHY BHAVAN CHENNAI -18 BHAVAN
10. THE PATTALI MAKKAL KATCHI  
REP BY ITS G.K MANI MLA  
GOVT ESTATE CHENNAI 600 007
11. THE DRAVIDAR KAZHAGAM  
(REP BY ITS PRESIDENT PERIYAR THIDAL)  
VEPERY CHENNAI 600 007
12. THE COMMUNIST PARTY OF INDIA  
REP. BY ITS STATE SECRETARY  
THE PANDIYAN SHEVALIYAR SHIVAJI GANESAN ROAD  
CHENNAI-17
13. THE MAXXIST COMMUNIST PARTY OF INDIA  
(REP. BY ITS STATE SECRETARY N. VARADARAJAN  
DR. SHEVALIAR SHIVAJI GANESAN ROAD  
NORTH BOAG ROAD T. NAGAR CHENANI -17

14.THE DALIT PARTNERS OF INDIA  
REP. BY ITS GENRAL SECRETARY SRI THIRUMAVALAVAN  
GN CHETTY ROAD CHENANI-17

15.THE TAMILNADU STATE INDIAN MUSLIM LEAGUE  
REP BY ITS PRESIDENT SRI KM KHADER MOIDEEN  
MP MARAKKAYAR LABBAI STREET MANNADY CHENNAI -1

16.THE TAMILNADU MUSLIM MUNNETRA KAZHAGAM  
REP. BY ITS M.M JAFFERULLAH  
VADA MARAKKAYAR STREET CHENNAI-1

17.THE MARUMALARCHI MUNNETRA KAZHAGAM  
REP. BY ITS (RIVAL KAZHAGAM) SRI L.GANESAN  
PERAVURANI ORATHANADU TALUK  
TANJORE DISTRICT

18.THE DESIYA MURPOKKU DRAVIDAR KAZHAGAM  
REP. BY ITS FOUNDER PRESIDENT MR.VIJAYAKANTH  
KOYAMBEDU CHENNAI-7

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS or any other appropriate order or direction in the nature of a Writ directing the respondents 1 to 4 above to take appropriate action as applicable to them respectively against the above respondents 5 to 18 for violation of the constitution of india, U/A.141, 142, 144, 51 (A) as well as under Art. 19 & 21 of the constitution of India.

3. W.P.No.31435 of 2007:-

All India Dravida Munnetra Kazhagam,  
226/275, Avvai Shanmugam Salai,  
Royapettah, Chennai 600 014.

Rep. by its President Chairman, E.Madhusudhanan ... Petitioner

Vs

1. THE CHIEF SECRETARY  
GOVERNMENT OF TAMILNADU  
SECRETARIAT CHENNAI - 9.

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2. THE DIRECTOR GENERAL OF POLICE  
601 DR.RADHAKRISHNAN SALAI  
CHENNAI - 4.
  3. DRAVIDA MUNNETRA KAZHAGAM  
'ANNA ARIVLAYAM' 268-269  
ANNA SALAI TEYNAMPET CHENNAI-18  
REP. BY ITS PRESIDENT M.KARUNANIDHI
  4. INDIAN NATIONAL CONGRESS  
TAMILNADU PRADESH CONGRESS COMMITTEE  
SATHYAMOORTHY BHAVAN 40 THIRUVIKA SALAI  
CHENNAI - 2.  
REP BY ITS TAMIL NADU PRESIDENT  
M.KRISHNASWAMY
  5. COMMUNIST PARTY OF INDIA (MARXIST)  
11/1-C VAIDYARAMA IYER ST.  
T.NAGAR CHENNAI-17  
REP BY ITS STATE SECRETARY N.VARADARAJAN
  6. COMMUNIST PARTY OF INDIA  
43 SOUTH BOAG ROAD,  
T. NAGAR CHENNAI-17  
REP BY ITS STATE SECRETARY  
D.PANDIAN
  7. THE PATTALI MAKKAL KATCHI  
63 NATTU MUTHU NAICKEN STREET  
VANNIYA TEYNAMPET CHENNAI - 18  
REP BY ITS FOUNDER S.RAMADOSS
- ... RESPONDENTS

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration or any other Order or direction in the nature of Writ declaring that the call for and holding of a Bandh in the State of TamilNadu either on 01.10.2007 or on any other date by the respondents 3 to 7 are violative of Articles 19 and 21 of the Constitution of India apart from being in contravention of the Directive Principles of State Policy, the Fundamental Duties embodied and enumerated in the Constitution of India.

4. W.P.No.31478 of 2007:-

DR. SUBRAMANIAN SWAMY

... PETITIONER

Vs

1. THE STATE OF TAMIL NADU  
REP. BY ITS CHIEF SECRETARY  
FORT ST. GEORGE CHENNAI-9
2. THE DIRECTOR GENERAL OF POLICE TAMILNADU  
KAMARAJAR SALAI CHENNAI-4
3. DRAVIDA MUNNETRA KAZHAGAM  
HAVING ITS OFFICE AT ANNA ARIVALAYAM  
ANNA SALAI TEYNAMPET CHENNAI-18  
REP. BY ITS PRESIDENT
4. DRAVIDA KAZHAGAM  
REP. BY ITS PRESIDENT DR. K. VEERAMANI  
PERIAR THIDAL E.V.K. SAMPATH SALAI  
VEPERY CHENNAI-3
5. INDIAN NATIONAL CONGRESS  
SATYAMURTHY BHAVAN GENERAL PATTERS ROAD  
ROYAPETTAH CHENNAI-14  
REP. BY ITS TAMIL NADU UNIT PRESIDENT  
THIRU . KRISHNASAMY
6. PATTALI MAKAL KATCHI  
ARANGANATHUR SUBWAY ROAD  
SAIDAPET CHENNAI- 24  
REP. BY ITS PRESIDENT
7. DALIT PANTHERS PARTY  
REP. BY THIRU THOL. THIRUMAVALAVAN  
CHINNAYA PILLAI ST. T. NAGAR CHENNAI-17.
8. COMMUNIST PARTY OF INDIA REP. BY ITS SECRETARY  
BALAN ILLAM 1 BOAG ROAD  
T. NAGAR CHENNAI-17.
9. COMMUNIST PART MARXIST OF INDIA  
REP. BY ITS SECRETARY  
VAIDYARAMAN ST. T. NAGAR CHENNAI-17.

... RESPONDENTS

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF DECLARATION to declare that the bandh called by Respondents 3 to 9 for speedy implementation of the Sethu Samudhram Canal Project on 01.10.2007 (or to be called on any subsequent days) as unconstitutional and void and consequently direct Respondents 1 and 2 to ensure peace and maintain Law and order on 01.10.2007 or on any subsequent days.

5. W.P.No.31462 of 2007:-

K.R.RAMASWAMY @ TRAFFIC RAMASWAMY

... PETITIONER

Vs

1. THE CHIEF SECRETARY  
TAMILNADU SECRETARIAT CHENNAI 9.
2. THE SECRETARY  
HOME DEPARTMENT TAMILNADU SECRETARIAT  
CHENNAI 9.
3. THE DIRECTOR GENERAL OF POLICE  
TAMILNADU MYLAPORE CHENNAI 4.
4. THE COMMISSIONER OF POLICE  
GREATER CHENNAI CITY  
EGMORE CHENNAI 8.
5. THE PRESIDENT  
DRAVIDA MUNNETRA KAZHAGAM ANNASALAI  
CHENNAI 18.

... RESPONDENTS

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF DECLARATION in the form of Writ of declaring the proposed announcement of Bandh as illegal.

6. W.P.No.31631 of 2007:-

R.BALASUBRAMANIAN

... PETITIONER

Vs

1. MR.M.KARUNANIDHI  
THE CHIEF MINISTER OF TAMILNADU  
FORT ST. GEORGE CHENNAI 9.

2. THE GOVERNMENT OF TAMILNADU  
REP BY THE CHIEF SECRETARY  
GOVERNMENT OF TAMILNADU  
FORT ST.GEORGE CHENNAI 9.

3. THE HOME SECRETARY  
GOVERNMENT OF TAMILNADU  
FORT ST.GEORGE CHENNAI 9.

4. THE DIRECTOR GENERAL OF POLICE  
MYLAPORE CHENNAI 4.

5. THE UNION GOVERNMENT OF INDIA  
REP BY THE HOME SECRETARY NEW DELHI. ... RESPONDENTS

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the Respondents from organizing or assisting proposed state sponsored Bundh to be held on 1.10.2007 in the State of Tamilnadu to invoke the extra-ordinary jurisdiction under article 226 of the constitution of India.

W.P.No.27251/2007:-

For Petitioner : Mr. B. Saravana Sathishkumar  
Party-in-person

For Respondents : Mr. S.T.S. Murthi  
Government Pleader for R1  
Mr. L. Baskaran for R2 & R3  
R4 to 13 - No Appearance

W.P.No.25723/2007:-

For Petitioner : Mr. B. Saravana Sathishkumar  
Party-in-person

For Respondents : Mr. S.T.S. Murthi  
Government Pleader assisted by  
Mr.V.R.Kamalanathan, AGP,  
Mr.V.Shanmughasunder for R6 & R7  
Mr. L. Baskaran for R8  
(N.A for Respondents 9 to 18)

W.P.No.31435/2007:-

For Petitioner : Mr.S.Senthil

For Respondents : Mr.S.T.S.Murthi  
Government Pleader assisted by  
Mr.V.R.Kamalanathan for R1 & R2  
Mr.L.Baskaran for R3  
Mr.K.Balu for R7  
Mr.R.Vaigai for R5  
(N.A for R4 & R6)

W.P.No.31478/2007:-

For Petitioner : Mr.G.Rajagopalan SC for  
Dr.Subramanian Swamy  
(Party-in-Person)

For Respondents : Mr.S.T.S.Murthi  
Government Pleader for R1 & R2  
Mr.R.Vaigai for R9  
Mr.L.Baskaran for R3  
Mr.K.Balu for R6  
(N.A for R4, R5, R7 & R8)

W.P.No.31631/2007:-

For Petitioner : Mr.R.Balasubramanian  
(Party-in-person)

For Respondents : Mr. L. Baskaran for R1  
Mr. S.T.S. Murthi  
Government Pleader for R2 to R4

W.P.No.31462/2007:-

For Petitioner : Mr.K.R.Ramasamy @ Traffic Ramasamy  
(Party-in-person)

For Respondents : Mr. S.T.S. Murthi  
Government Pleader for R1 to R4  
Mr. L. Baskaran for R5

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COMMON ORDER  
(Made by The Hon'ble The Chief Justice)

The calling for a bandh by political parties resulted in filing of the present petitions. The matters were dealt with interim directions vide order dated 28.09.2007.

2. We see no purpose in carrying out an academic exercise now qua this issue. The question of law is left open.

3. The writ petitions accordingly stand disposed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

ATR

Sub Assistant Registrar

Copies to;

1. THE CHIEF SECRETARY  
GOVERNMENT OF TAMILNADU  
SECRETARIAT CHENNAI - 9.
2. THE DIRECTOR GENERAL OF POLICE  
601 DR.RADHAKRISHNAN SALAI, CHENNAI - 4.
3. THE HOME SECRETARY  
GOVERNMENT OF TAMILNADU  
FORT ST.GEORGE CHENNAI 9.
4. THE HOME SECRETARY  
THE UNION GOVERNMENT OF INDIA, NEW DELHI.
5. THE DIRECTOR GENERAL OF POLICE  
MYLAPORE CHENNAI 4.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.53422

+1cc to Mr.L.Baskaran, Advocate, S.R.No.53345

+1cc to the Government Pleader, S.R.No.53286

W.P. Nos. 27251, 25723, 31435,  
31478, 31462 and 31631 of 2007

MSM(CO) CA (27/10/2015)