

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.14891 of 2014

Advocate Forum for Social Justice Tamil Nadu,
rep. by its President K.Balu,
No.156, Thambu Chetty Street,
Chennai-600 001.

... Petitioner

-vs-

- 1.Union of India,
Department of Law and Justice,
rep. by its Secretary,
26, Mansingh Road,
Jaisalmer House,
New Delhi-110 011.
- 2.Union of India,
Department of Ministry of Home Affairs,
rep. by its Home Secretary,
North Block, Central Secretariat,
New Delhi-110 001.
- 3.The Department of Social Justice and Empowerment,
rep. by its Secretary,
Scheduled Castes and Scheduled Tribes Development Division,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.
- 4.The National Commission for Scheduled Castes,
rep. by its Chairman,
Lok Nayak Bhawan, Khan Market,
New Delhi-110 003.

5.The State of Tamil Nadu,
rep. by its Home Secretary,
Secretariat Buildings,
Fort St. George, Chennai.

6.Viduthalai Chiruthaigal Katchi,
(A registered political party)
rep. by its President Thol Thirumavalavan,
No.R-62, Housing Board Quarters,
Velachery, Chennai-42.
(Respondent No.6 impleaded as per the
order dt. 15.7.2014 in M.P.No.3 of 2014)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance 2014 as ultra vires to Article 14, 15, 17, 19 and 368 of the Constitution of India and passed in excess of the enabling power under Article 17 read with Article 35 of the Constitution of India for being a class legislation discriminating the entire class of non members from that of Scheduled Caste and the Scheduled Tribes.

For Petitioner : Mr.K.M.Vijayan
Senior Counsel
for
M/s.E.Vijay Anand

For Respondents : Mr.G.Rajagopalan
Addl. Solicitor General
assisted by
Mr.B.Rabu Manohar for R1 to R4

Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R5

Mr.K.Balakrishnan for R6

Representing : Mr.K.C.Karl Marx
Counsel for Mr.S.Kumaradevan
Intervenors Mr.R.Thirumoorthy

Mr.Dalith Tiger Ponnusamy
Mr.S.Shankar
Dr.R.Sampath Kumar
Mr.P.Santhaseelan
Mr.V.Lakshminarayanan
Mr.Shanmugasundarm
Mr.V.Parthiban
Mr.Balan Haridas

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The Ordinance had lapsed which has been assailed in the present matter. An Act has come into force vide notification dated 01.01.2016, which the petitioner seeks to assail.

2. We are of the view that the petitioner file a comprehensive petition raising all pleas as may be necessary, including challenge to the Act as submitted by the learned Senior Counsel for the petitioner and no purpose would be served in keeping the present petition alive.

3. The writ petition is closed with liberty to file a comprehensive petition. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Secretary,
Department of Law and Justice,
26, Mansingh Road,
Jaisalmer House,
New Delhi-110 011.

2.The Home Secretary,
Department of Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi-110 001.

3.The Secretary,
Scheduled Castes and Scheduled Tribes Development Division,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.

4.The Chairman,
National Commission for Scheduled Castes,
Lok Nayak Bhawan, Khan Market,
New Delhi-110 003.

5.The Home Secretary,
Secretariat Buildings,
Fort St. George, Chennai.

+1 cc to Mr.P.Vijendran Advocate sr.14838/16

+2 cc to Mr.E.Vijay Anand Advocate sr.nos.14439
14430

+1 cc to Mr.B.Rabu Manohar Advocate vide sr.14423

+1 cc to Mr.K.Balakrishnan Advocate vide sr.14411

+1 cc to M/s.Dalit Tiger C.Ponnusamy Advocate
sr.14402

+1 cc to M/s.Government Advocate sr.14530

W.P.No.14891of 2015

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