

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. No. 34001 of 2016
and
WMP No. 28340 of 2016

Devangar Samooga Nala Vuyar Kalvi
Valarchi Kuzhumam
(Regn. No.213/2009)
represented by its Secretary
K. Rajaponnu
No.1, Nathalingam Chettiyar Street
Chokkalingapuram
Aruppukottai - 626 601

... Petitioner

Versus

1. The State of Tamil Nadu
represented by its Secretary
Higher Education Department
Fort St. George
Chennai - 600 009
2. The Director of College Education
College Education
College Road, Chennai - 600 006
3. The Joint Director of College Education
College Education
Madurai Region, Shenoy Nagar
Madurai - 20
4. The Devanga Arts College
Aruppukottai

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 09.04.2016 made by the petitioner for declaring the education agency of the fourth respondent's college.

For Petitioners : Mr.R.Venkataraman, Senior Counsel
for Mr. R. Janarthanam

For Respondents : Mr. C. Manishankar
Additional Advocate General
assisted by Mr. O.R. Maheswaran
Government Advocate

ORDER

The petitioner seeks for issuance of a Mandamus directing the respondents to consider the representation dated 09.04.2016 submitted by them and to pass orders thereon.

2. I heard the learned counsel for both sides. Today, when the writ petition is taken up for hearing, the learned Additional Advocate General appearing for the respondents brought to the notice of this Court the order bearing reference Na.Ka.No.22148/G2/2016 dated 20.10.2016 passed by the second respondent in and by which the representation dated 09.04.2016 of the petitioner association has been rejected. The learned Additional Advocate General also brought to the notice of this Court that in the order dated 20.10.2016, it was specifically stated by the second respondent that the petitioner Association did not produce any documentary evidence in support of their claim that the petitioner association is a registered association as per the Tamil Nadu Societies Registration Act, 1975. Therefore, according to the learned Additional Advocate General the prayer of the petitioner to issue a Mandamus directing the respondents to dispose of the representation dated 09.04.2016 of the petitioner, no longer survives for consideration by this Court and he prayed for dismissal of the writ petition.

3. In view of the fact that the representation dated 09.04.2016 has already been rejected by the second respondent by passing an order dated 20.10.2016, the relief sought for in this writ petition does not survive for consideration by this Court.

4. At this stage, the learned counsel for the petitioner prayed this Court to permit the petitioner to produce necessary documents as required by the second respondent in the order dated 20.10.2016 and on receipt of the same, the second respondent may be directed to consider the documentary evidence, issue an opportunity to the petitioner and thereafter to pass appropriate orders on merits.

5. The learned Additional Advocate General submits that if the petitioner produces necessary documentary evidence as mentioned in the order dated 20.10.2016, it will be considered by the second respondent and orders will be passed on merits and in accordance with law.

6. In the light of the order dated 20.10.2016 of the second respondent, no further order is required in this writ petition and the writ petition is closed. No costs. It is needless to mention that it is for the petitioner to produce necessary documentary evidence as required by the second respondent in the order dated 20.10.2016 and if it is produced, the second respondent shall consider it, afford an opportunity

to the petitioner and thereafter pass an order on merits and in accordance with law only if they are eligible. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
State of Tamil Nadu
Higher Education Department
Fort St. George
Chennai - 600 009
2. The Director of College Education
College Education
College Road, Chennai - 600 006
3. The Joint Director of College Education
College Education
Madurai Region, Shenoy Nagar
Madurai - 20

+1cc to Mr.R. Janarthanam, Advocate, S.R.No.60473
+1cc to the Government Pleader, S.R.No.61559

W.P No. 34001 of 2016

RSK(CO)
CA(07/11/2016)

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