



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

W.P. (MD) .No.7570 of 2014

and

M.P. (MD) .Nos.1 and 3 of 2014

M.Thirumalai

..Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Backward Classes & Most Backward Classes
and Minorities Department,
Fort St. George,
Chennai - 9.

2.M.H.Jawahirullah

..Respondents

(R2 impleaded as per the order of this Court dated 08.07.2014 in
M.P. (MD) .No.2 of 2014)

PRAYER: Writ Petition filed under Article 226 of the Constitution
of India praying for issuance of a Writ of Declaration declaring
that Tamil Nadu Act 33 of 2007 is unconstitutional.

For Petitioner : Mr.G.R.Swaminathan

For 1st respondent : Mr.B.Pugalendhi,

Addl. Advocate General

Assisted by Mr.Aayiram K.Selvakumar,

Government Advocate

For 2nd respondent : Mr.Mahaboob Athiff

for M/s.Ajmal Associates

ORDER

[Order of the Court was made by
The Hon'ble The Chief Justice]

Upon hearing the learned counsel for the parties, we are of
the view that since the Constitution Bench of the Hon'ble Supreme
Court is seized of the matter, arising from the judgment of the
Andhra Pradesh High Court, the fate of the present petition, in
turn, would be dependant on the view to be taken by the
Constitution Bench of the Hon'ble Supreme Court and it would
govern the present issue. In fact, in writ petition Nos.31274,
37606, 37618 and 33057 of 2007 and 1105 of 2008, we have passed a
consent order on 30th September, 2015, to that effect. But there



appears to be reluctance on the part of the learned senior counsel for the petitioner to state likewise.

2. We, thus, dispose of the petition, with a direction that the present petition would naturally be governed by the decision to be taken by the Constitution Bench of the Hon'ble Supreme Court arising from Civil Appeal Nos. 2628-2637 of 2010 (State of Andhra Pradesh and others v. T. Muralidhar Rao and others) but with liberty to the petitioner to revive the petition if some aspects which are not addressed which arise in the present case. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar (CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Secretary to Government,
Backward Classes & Most Backward Classes
and Minorities Department,
Fort St. George,
Chennai - 9.

+1cc to M/s. G.R. Swaminathan, Advocate in SR.78628
+1cc to M/s. Ajmal Associates, in SR.79154
+1cc to the Special Government Pleader, in SR.78966

W.P. (MD). No. 7570 of 2014
Dated: 01.12.2016

gcb/gb

PBK/EM 23/12/2016 :: 2P-5C: