

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2017

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THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.842 of 2017

and

WMP.No.869 of 2017

Mr.K.Stalin,
Member of Legislative Assembly and
Leader of the Opposition Party,
Tamil Nadu Legislative Assembly,
25/9, Chitharanjan Salai,
Cenotaph Road, Alwarpet,
Chennai-18.

... Petitioner

Vs.

1. The Hon'ble Speaker,
Tamil Nadu State Legislative Assembly,
Fort St. George,
Chennai-600 009.
 2. The Tamil Nadu State Legislative Assembly
rep. by its Assembly Secretary,
Legislative Assembly Secretariat,
Fort St. George,
Chennai-600 009.
 3. Hon'ble Leader of the House,
Tamil Nadu Legislative Assembly Secretariat,
Fort St. George,
Chennai-9.
 4. The State of Tamil Nadu
rep. by its Chief Secretary to the Government,
Fort St. George, Chennai-9.
- ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the respondents to constitute the twelve Assembly Committees of the Tamil Nadu Legislative Assembly, namely, 1. Committee on Estimates, Committee on Public Accounts, 3. Committee on Public Undertakings, 4. Committee of Privileges, 5. Business Advisory Committee, 6. Committee on Delegated Legislation, 7. Committee on Government Assurances, 8. House Committee, 9. Rules Committee, 10. Committee on Petitions, 11. Library Committee and 12. Committee on Papers Laid on the Table, in accordance with law within a time period prescribed by this Court.

For Petitioner : Mr.P.Wilson,
Senior Counsel
for M/s.R.Girirajan

For Respondents : Mr.R.Muthukumarasamy,
Advocate General assisted by
Mr.A.Kumar,
Special Government Pleader
for R2 to R4

O R D E R

The Writ Petition is filed praying to issue a Writ of Mandamus, directing the respondents to consider the twelve Assembly Committees of the Tamil Nadu Legislative Assembly, namely, 1. Committee on Estimates, Committee on Public Accounts, 3. Committee on Public Undertakings, 4. Committee of Privileges, 5. Business Advisory Committee, 6. Committee on Delegated Legislation, 7. Committee on Government Assurances, 8. House Committee, 9. Rules Committee, 10. Committee on Petitions, 11. Library Committee and 12. Committee on Papers Laid on the Table, in accordance with law within a time prescribed by this Court.

2. The case of the petitioner is as follows:

(a) The petitioner has been elected as a Member of Legislative Assembly from Kolathur Constituency and subsequently, he has been elected as Leader of the Opposition Party for the Legislative Assembly and recognised as the same by the 1st respondent. Further, the petitioner is the Working President of the DMK Party which is the principal opposition party in the State of Tamil Nadu.

(b) The further case of the petitioner is that the 15th General Elections to the Tamil Nadu Legislative Assembly was conducted on 16.05.2016 and the petitioner's party was successful in getting their candidates elected from 89 constituencies. Subsequently, the 1st respondent who is an elected member of Legislative Assembly was elected as a Speaker for the 15th Legislative Assembly unanimously.

(c) While so, Tamil Nadu Legislative Assembly Rules were framed pursuant to the power conferred under Article 208(1) of the Constitution of India which govern the functioning of the Assembly and the manner and nature of business to be transacted in the Assembly. Further, Chapter 20 of the said Rules deals with various committees to be constituted by the 1st respondent with the members of the Assembly, namely, 1. Committee on Estimates, Committee on Public Accounts, 3. Committee on Public Undertakings, 4. Committee of Privileges, 5. Business Advisory Committee, 6. Committee on Delegated Legislation, 7. Committee on Government Assurances, 8. House Committee, 9. Rules Committee, 10. Committee on Petitions, 11. Library Committee and 12. Committee on Papers Laid on the Table and the establishment, constitution, functions and powers of the above committees have been set out in detail from Rule 194 to 272 of the Assembly Rules.

(d) The importance of these Committees can be clearly culled out from the nature of the functions assigned to each of the committees. The committees basically act as a watchdog of the ruling party inside the legislature and the functioning of the executive to ensure that their acts are in accordance with the Constitution and the laws. Further the members of the petitioners party has to be appointed in each of the 12 committees. As per rule, the formation of the said committees ought to have been done immediately after the 15th Assembly was formed and the members took oath. However, even after a lapse of seven months, these committees have not been constituted by the 1st respondent.

(e) The said issue was raised by the petitioner as the Leader of Opposition on the floor of the Assembly on 01.09.2016 and the respondents 1 and 3 replied that a notification would be issued in this regard. The said issue was once again raised by the petitioner on 02.09.2016 on the floor of the House. The 1st and 3rd respondents informed that an announcement in this regard would be made at the earliest. Despite the assurances and undertakings, the 1st respondent has not constituted the assembly committees. Therefore, the petitioner along with few MLAs made a representation to the 1st respondent on 27.10.2016 in person followed by another representation dated 02.12.2016. But, till date, no assembly committees have been formed. Hence, the present Writ Petition.

3. Heard Mr.P.Wilson, the learned Senior Counsel appearing for the petitioner and Mr.R.Muthukumarasamy, the learned Advocate General assisted by Mr.A.Kumar, the learned Special Government Pleader appearing for the respondents 2 to 4.

4. At the time of hearing, the learned Advocate General appearing for the respondents 2 to 4 would submit that already the Business Advisory Committee has been constituted and it has started functioning. He would further submit that the resolution for constitution of further 4 committees out of the remaining 11 committees will be moved in the ensuing Assembly Session on 27.01.2017. Thereafter, as per the norms of the assembly the election to elect the members of the committees will be conducted and accordingly, the members of the committees are being nominated or appointed by the Speaker which is the routine procedure and that procedure would be duly followed.

5. Recording the submissions of the learned Advocate General appearing for the respondents 2 to 4, the present Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CCC)

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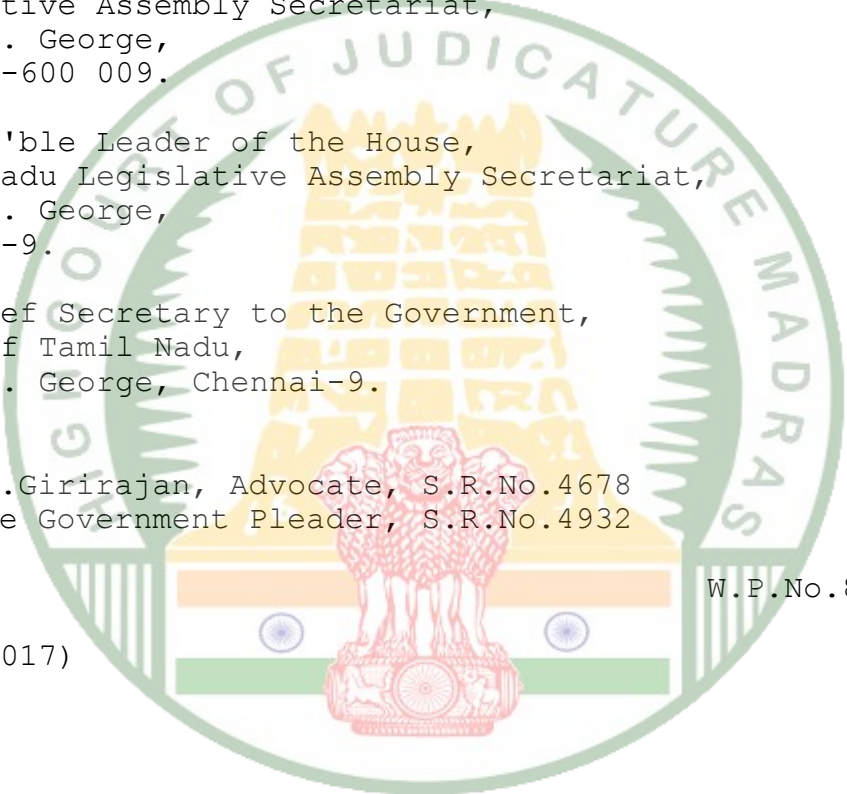
To

1. The Hon'ble Speaker,
Tamil Nadu State Legislative Assembly,
Fort St. George,
Chennai-600 009.
2. The Assembly Secretary,
Tamil Nadu State Legislative Assembly,
Legislative Assembly Secretariat,
Fort St. George,
Chennai-600 009.
3. The Hon'ble Leader of the House,
Tamil Nadu Legislative Assembly Secretariat,
Fort St. George,
Chennai-9.
4. The Chief Secretary to the Government,
State of Tamil Nadu,
Fort St. George, Chennai-9.

+1cc to Mr.Girirajan, Advocate, S.R.No.4678
+1cc to the Government Pleader, S.R.No.4932

UG(CO)
CA(10/02/2017)

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