

In the High Court of Judicature at Madras

Dated : 17.4.2017

Coram :

The Honourable Mr.Justice NOOTY.RAMAMOHANA RAO

and

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.4975 of 2010 and M.P.No.1 of 2010

Kumarichelvan Bosco ...Petitioner

Vs

1.The State of Tamil Nadu, rep.by
Chief Secretary, Secretariat,
Fort.St.George, Chennai-9.

2.The Home Secretary to Government,
Home Department, Government of
Tamilnadu, Secretariat, Fort.St.
George, Chennai-9.

3.The Secretary to Government of
India, Department of Law & Justice,
Secretariat, Fort.St.George,
Chennai-9.

4.The Registrar General, High Court,
Chennai-104.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 2 to return the list of twenty four serving judges names sent by the fourth respondent to the respondents 1 to 2 for appointing them as ad-hoc FTC judges in the State of Tamilnadu, consequently directing the respondents to give and fill up the due share of 25% quota to the bar members in ad-hoc FTC judges appointment as per the dictum made by the Apex Court in Brij Mohan Lal V. Union of India (2002) 5 SCC 1 after taking into consideration of three sitting ad hoc FTC judges from bar members quota.

For Petitioner : No appearance
For Respondents 1 & 2 : : Mr.P.S.Sivashanmuga Sundaram,
SGP
For Respondent-3 : Mr.V.Ravi, SPC
For Respondent-4 : Mr.A.Jenasenan

Order of the Court was made by NOOTY.RAMAMOHANA RAO,J

This writ petition is instituted by an advocate of the High Court seeking directions to respondents 1 and 2 namely the State of Tamil Nadu represented by its Chief Secretary and the Home Secretary respectively, to return the list of 24 serving Judges' names sent by the fourth respondent - the Registrar General of the High Court for appointing them as ad hoc Fast Track Court Judges in the State. He also sought for a consequential relief to direct the respondents to fill up 25% of the quota from the members of the Bar.

2. This writ petition has undergone several adjournments in the past and when it appeared before us on 13.4.2017, none appeared on behalf of the petitioner. There was also no representation. Therefore, we have gone through the papers and we had a doubt as to whether the cause in the writ petition would survive as of now, because appointments were already made as Fast Track Court Judges. Hence, we posted the matter today under the caption 'for dismissal'. None appears even today on behalf of the petitioner. The writ petitioner is also not present. Obviously, the cause is not surviving, as the term of engagement of five years has already lapsed. We are, therefore, of the view that as the cause does not survive, the writ petitioner is abstaining from conducting the proceedings.

3. Accordingly, the writ petition stands dismissed. No costs. Consequently, the above MP is also dismissed.

सत्यमेव जयते

-s/d-

Assistant Registrar(CSVIII)

True Copy

Sub-Assistant Registrar

To

1.The Chief Secretary to State of Tamil Nadu,
Fort.St.George, Chennai-9.

2.The Home Secretary to Government,
Home Department, Government of
Tamilnadu, Secretariat, Fort.St. George,
Chennai-9.

3.The Secretary to Government of India,
Department of Law & Justice,
Secretariat, Fort.St.George, Chennai-9.

4.The Registrar General, High Court,
Chennai-104.

WP.No.4975 of 2010
and MP.No.1 of 2010

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