

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.27215 of 2017

P.Selvakumar

.. Petitioner

vs.

1. Government of Tamil Nadu,
rep. by its Secretary to Government,
Department of Home,
Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Department of Law,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. The District Collector,
Thoothukudi District.
4. Mr.A.Rajasekar,
Principal District and Sessions Judge,
Tuticorin District,
Combined Court Complex,
Thoothukudi - 3.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second respondent to consider the petitioner's representation dated 16.10.2017 and pass appropriate orders within a stipulated time fixed by this Hon'ble Court.

For Petitioner

: Mr.P.Selvakumar
Party-in-person

For Respondents

: Mr.T.N.Rajagopalan
Government Pleader (i/c)
for respondents 1 to 3

ORDER

(Order of the Court was made by M.Sundar, J.)

This writ petition has been filed with a prayer to direct respondent No.2 before us i.e., Secretary, Department of Law, Government of Tamil Nadu, to dispose of a representation of the writ petitioner dated 16.10.2017, which the writ petitioner has sent to the District Collector also, who is respondent No.3 before us.

2. Mr.T.N.Rajagopalan, learned Government Pleader (i/c) accepts notice on behalf of respondent Nos.1 to 3.

3. It is submitted by the learned Government Pleader (i/c) that the recommendations of the District Collector, Tuticorin have already been received by the Government and notification of appointees is in the anvil.

4. From a perusal of the affidavit filed in support of the writ petition, representation dated 16.10.2017 and the submission made at the bar, at the moment, it appears that the writ petition is predicated on certain aspects of the matter, which are in the realm of surmises and conjectures.

5. A clear position may emerge only when the notification of the new appointees is made.

6. Learned Government Pleader (i/c) points out that though the prayer is only for a mandamus to dispose of the representation dated 16.10.2017 sent by the writ petitioner, if the prayer is acceded to, it will delay the process of issuing notification regarding appointment of State counsel in the District, including Additional Public Prosecutors and Public Prosecutor which has serious impact on criminal justice delivery system.

7. Therefore, we deem it appropriate to dispose of this writ petition, leaving it open to the writ petitioner to challenge the notification appointing the new appointees as and when it is issued. Post notification, if the writ petitioner is aggrieved and if the writ petitioner chooses to assail the notification, we make it clear that all issues raised herein will be open to the writ petitioner to be raised in such proceedings. In other words, all questions raised herein are left open. Though

obvious, we make it clear that it is open to the learned Government Pleader (i/c) also to resist the writ petition on any ground that may be available to the respondents herein. In other words, all questions herein are left open qua State also.

8. Writ petition is disposed of on above terms. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Secretary to Government,
Department of Home,
Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Department of Law,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. The District Collector,
Thoothukudi District.

+1cc to Mr.J.Antony Jesus, Advocate, S.R.No.80469
+1cc to the Government Pleader, S.R.No.80742

सत्यमेव जयते

W.P.No.27215 of 2017

SJ(CO)
CS/22/11/17

WEB COPY