

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR.JUSTICE SATRUGHANA PUJAHARI

WMP No.23073 of 2017

in WP No.22018 of 2017

VAZHUVUOR RAVI

[PETITIONER]

Vs

1 THE STATE OF TAMIL NADU [RESPONDENTS]
REP.BY ITS ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT TOURISM CULTURAL AND ENDOWMENT
DEPARTMENT FORT ST. GEORGE, CHENNAI-600 009.

2 THE COMMISSIONER
ART AND CULTURE DIRECTORATE TAMIL
DEVELOPMENT CAMPUS 2ND FR, HALLS ROAD,
EGMORE, CHENNAI - 600 008.

3 THE MEMBER SECRETARY
TAMIL NADU EYAL ISAI NATAKAMANRAM,
NO.31, P.S. KUMAASAMY RAJA SALAI,
RAJA ANNAMALAIPURAM, CHENNAI-600 028.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of interim stay of the operation of the G.O.No.137 (Tourism, culture and Endowment (C2) Department, dated 14.06.2017 on the file of the 1st respondent, pending WP.No.22018 of 2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.RAVI, Advocate for the petitioner and of MR.K.RAVIKUMAR ADDL.GOV.T.PLEADER for the 1st respondent and of the 2nd & 3rd respondents not appearing either in person or by an Advocate the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

2. It appears that the petitioner had filed the Writ Petition in W.P.No.7867 of 2014 seeking for a direction to the respondents to conduct election of the vacancies for the 11 elected members for the General Council of the Tamil Nadu Iyal Isai Nataka Manram. As in the meanwhile, an amendment was brought to the constitution of the institution, whereby the democratic system of election was amended by introducing nomination system and as such the Writ Petition was dismissed as infructuous, with liberty to challenge the amendment.

3. Accordingly, a Writ Petition in W.P.No.4688 of 2015 has been filed challenging such amendment wherein interim prayer has also been made to stay the operation of such amendment. It appears that notice has been received in the interim application as well as in the Writ Petition by the respondents. But, before the interim prayer was taken up, the respondents, pursuant to the amendment nominated the members to the Council vide G.O.(Ms).No.137 (Tourism Culture and Endowment (C2) Department, dated 14.02.2017 and they have already been discharging their functions. The same however has been challenged in the Writ Petition with a prayer to quash the same. This Writ Miscellaneous Petition is filed to stay the operation of the said order. Considering the fact that the persons have already been nominated, pursuant to the amendment of the Constitution and taken charge and discharging their function, this Court is of the view that it would be inappropriate to dislodge them from office by interim order, pending disposal of the Writ Petition. However, considering the fact that very same amendment is challenged, though this Court is not inclined to grant aforesaid prayer, observe that newly constituted General Council, pending disposal of the Writ Petition, shall not take major policy decision touching the provisions of the constitution of the Society, without the leave of this Court.

4. With the aforesaid order, this Writ Miscellaneous Petition is disposed of.

-sd/-
19/03/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF SECRETARY
SECRETARY TO GOVERNMENT TOURISM CULTURAL AND
ENDOWMENT DEPARTMENT FORT ST. GEORGE,
CHENNAI-600 009.

2 THE COMMISSIONER
ART AND CULTURE DIRECTORATE TAMIL
DEVELOPMENT CAMPUS 2ND FLOOR,
HALLS ROAD, EGMORE, CHENNAI - 600 008.

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NO.31, P.S. KUMAASAMY RAJA SALAI,
RAJA ANNAMALAIPURAM, CHENNAI-600 028.

C.C. to M/S.V.RAVI Advocate SR.NO.3439

Order

in
WMP.23073/2017

in
WP.22018/2017

Date :19/03/2018

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