

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MS.JUSTICE P.T.ASHA

W.P.No.14613 of 2018

K.Balu
President, Advocates' Forum for Social Justice
Chennai-600 001. .. Petitioner

Vs.

- 1 The State of Tamilnadu
Rep. by the Chief Secretary to Government
Secretariat Fort St. George
Chennai-600 009.
- 2 The Principal Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Fort St. George
Chennai-600 009.
- 3 The Commissioner
Prohibition and Excise Department
Chepauk
Chennai-600 005.
- 4 TASMAL Ltd.
Rep. by its Managing Director
4th Floor, CMDA Tower
Gandhi Irwin Bridge, Egmore
Chennai-600 008.
- 5 The Union of India
Rep. by its Secretary to the Government
Ministry of Road Transport and Highways
Transport Bhawan, Parliament Street
New Delhi-110 001.
- 6 The National Highways Authority of India
Rep. by its Chairman
G5 & 6 Sector-10, Dwarka
New Delhi - 110 075. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records relating to the impugned Government Order in G.O.Ms.No.32, Home, Prohibition and Excise (VI) Department, dated 21.5.2018 issued by the second respondent and quash the same.

For Petitioner : Mr.G.Ethirajulu
for Mr.M.R.Jothimanian

For Respondents : Mr.R.Vijay Narayan
Advocate General
assisted by Mr.Satish Kumar
for respondents 3 and 4

Mr.T.N.Rajagopalan
Government Pleader
for respondents 1 and 2

ORDER

(Made by Ms.Indira Banerjee, Chief Justice)

By an order dated 23.5.2018, the Supreme Court observed that the State Government was free to give effect to the Government Order, being No. G.O.(Ms.) No.32, dated 21.5.2018, which was taken on record. The request of counsel for the first respondent before the Supreme Court, that is the writ petitioner, that the government order be given effect to after considering the reply of the first respondent (writ petitioner before us) was rejected. The penultimate paragraph of the order reads: "If the respondent No.1 is aggrieved by the stated G.O., he is free to pursue appropriate remedy, if so advised. All questions in that behalf are left open. Let the matter be listed after vacation."

2. In our view, the appropriate remedy of the writ petitioner would be before the Supreme Court, the Supreme Court being in seizin of the challenge to the government order.

This writ petition is, therefore, not entertained. No costs. Consequently, W.M.P.No.17244 and 17245 of 2018 are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Chief Secretary to Government
State of Tamilnadu
Secretariat Fort St. George
Chennai-600 009.
- 2 The Principal Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Fort St. George
Chennai-600 009.
- 3 The Commissioner
Prohibition and Excise Department
Chepauk
Chennai-600 005.
- 4 The Managing Director
TASMAC Ltd.
4th Floor, CMDA Tower
Gandhi Irwin Bridge, Egmore
Chennai-600 008.
- 5 The Secretary to the Government
Union of India
Ministry of Road Transport and Highways
Transport Bhawan, Parliament Street
New Delhi-110 001.
- 6 The Chairman
National Highways Authority of India
G5 & 6 Sector-10, Dwarka
New Delhi - 110 075.

+1cc to Mr.Satish Kumar, Advocate in sr.no.37223
+1cc to Government Pleader in sr.no.38087

nr 25/06/2018

W.P.No.14613 of 2018