

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP No.7781 of 2019

T.S.Sankar

... Petitioner

vs.

The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009

... Respondent

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondent to consider the representation of the petitioner dated 22.12.2018

For Petitioner : No appearance

For Respondent : Mr.E.Manoharan
Additional Government Pleader

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

No representation for the writ petitioner.

2. We have gone through the averments made in the supporting affidavit filed for a writ of mandamus, directing the Chief Secretary, Government of Tamil Nadu, Chennai, respondent herein, to consider the representation of the petitioner dated 22.12.2018 and to pass orders within a stipulated time.

3. At the time when the matter was called, inviting the attention of this Court to an order made in WP No.3663 of 2014 dated 11.02.2014 by a Hon'ble Division Bench of this Court, Mr.E.Manoharan, learned Additional Government Pleader submitted that the prayer cannot be granted.

4. Short order made in WP No.3663 of 2014 dated 11.02.2014, is reproduced.

"The petitioner, who has appeared in person, seeks change of the name of the State of Tamil Nadu and the Tamil language, as according to him, there is a mistake in the spelling and pronunciation in English.

2. The name of the State of Tamil Nadu has been mentioned in the First Schedule of the Constitution of India and the name of the Tamil Language has been mentioned in the Eighth Schedule of the Constitution of India. Any amendment in spelling or the name of the State of Language is to be done by the Parliament alone and the State Legislature has no power to do so.

3. Faced with this situation, the petitioner-in-person sought permission to withdraw the writ petition, for which, endorsement has also been made by him with liberty to file a fresh petition with proper relief and parties and also averments made therein.

4. Permission sought for is granted. The writ petition is dismissed as having been withdrawn."

5. Sum and substance of the instant writ petition is one and the same. That apart, words 'Tamil Nadu' and 'Tamil' are found in the First and Eight Schedules of the Constitution of India and the same are extracted hereunder.

First Schedule:

[Articles 1 and 4]

THE STATES

7. Tamil Nadu - The territories which immediately before the commencement of this Constitution were either comprised in the Province of Madras or were being administered as if they formed part of that Province and the territories specified in section 4 of the States Reorganisation Act, 1956, 6[and the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959,] but excluding the territories specified in sub-section (1) of section 3 and sub-section (1) of section 4 of the Andhra State Act, 1953 and 7[the territories specified in clause (b) of sub-section (1) of section 5, section 6 and clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 and the territories specified in the First Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959].

Eight Schedule

[Articles 344 (1) and 351]

Languages

1. Assamese.
2. Bengali.

3. Bodo.
4. Dogri.
5. Gujarati.
6. Hindi.
7. Kannada.
8. Kashmiri.
9. Konkani.
10. Maithili.
11. Malayalam.
12. Manipuri.
13. Marathi.
14. Nepali.
15. Oriya.
16. Punjabi.
17. Sanskrit.
18. Santhali.
19. Sindhi.
20. Tamil.
21. Telugu.
22. Urdu.

6. Taking note of the order in W.P.No.3663 of 2014 dated 11.02.2014 and the provisions in the Constitution of India, direction sought for cannot be granted. Writ Petition is dismissed. No Costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

ars
To

The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009

+1 CC to Mr.M.Sridhar,Advocatesr 26465.
+1 CC to Govt.Pleader sr 26791.

WP No.7781 of 2019

SSI (CO)
SP(22/04/2019)