

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.8752 of 2020
and
W.M.P.Nos.10616 and 10617 of 2020
(heard through video-conferencing)

Traffic Dr.K.R.Ramaswamy Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
St.Fort George,
Rajaji Salai, Chennai-600 009.
2. The Secretary to Municipal Administration Department,
Secretariat,
St.Fort George,
Rajaji Salai,
Chennai-600 009.
3. District Collector,
Chennai District,
Chennai-1.
4. Commissioner,
Greater Corporation of Chennai,
Chennai-3.

5. J.Deepa
6. J.Deepak ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's e-mail representation, dated 25.05.2020 and consequently not to convert Convict's House as Government Memorial in discipline to the verdict of Honourable Supreme Court of India.

For Petitioner : Mr.G.K.Harihara Rajan

For Respondents: Mr.Vijay Narayan,
Advocate General
Assisted by
Mr.V.Jayaprakash Narayanan,
State Government Pleader
for RR-1 to 3

Mrs.Karthika Ashok for R-4

ORDER

(The Order of the Court was made by R.Subbiah,J)

The present Writ Petition has been filed praying for issuance of a Writ of a Writ of Mandamus to direct the respondents to consider the petitioner's e-mail representation, dated 25.05.2020 and consequently not to convert the Convict's House as Government Memorial in discipline to the verdict of Honourable Supreme Court of India.

2. It is to be noted that in respect of identical prayer, the very same petitioner (Traffic Dr.K.R.Ramaswamy) had earlier filed W.P.No.7987 of 2020, which was dismissed as withdrawn on 08.06.2020, by a coordinate Bench of this Court, with liberty to challenge the Ordinance in question, with equally reserving the right of the State to raise preliminary objection as and when such Writ Petition is filed. The said order of this Court reads as follows:

"After making submission for some time, the learned counsel for the Petitioner Mr.G.K.Harihara Rajan seeks leave of the court to withdraw the Petition with liberty to file properly framed Writ Petition as the prayer made in the Writ Petition does not reflect the arguments made by the learned counsel for the Petitioner raising a challenge the Ordinance issued by the State Government for converting the residence of the ex-Chief Minister of Tamil Nadu as a Museum.

2. The permission sought for is granted and the Writ Petition is dismissed as withdrawn with the liberty.

3. Mr.S.R.Rajagopal, learned

Additional Advocate General has raised an objection about the maintainability of the Writ Petition and grant of liberty to the Petitioner.

4. While giving the petitioner liberty to challenge the Ordinance in question, we equally reserve the right of the State to raise preliminary objection as and when such Writ Petition is filed. No costs. The connected Miscellaneous Petition is also dismissed."

3. Therefore, again with the same prayer, the present Writ Petition is not maintainable and the same is accordingly dismissed in-limine. No costs. Connected W.M.Ps. are closed..

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St.Fort George,
Rajaji Salai, Chennai-600 009.
2. The Secretary to Municipal Administration Department,
Secretariat, St.Fort George,
Rajaji Salai,
Chennai-600 009. सत्यमेव जयते
3. The District Collector,
Chennai District,
Chennai-1.
4. The Commissioner,
Greater Corporation of Chennai,
Chennai-3.

Writ Petition No.8752 of 2020

NRJK(CO)
CB(21/08/2020)