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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.NO.30705 OF 2008

AND

M.P.NO.1 OF 2008

1. S.Muniyandi
2. P.Annamalai
3. P.Immanuel
4. J.Rajendran
5. K.J.Kishore Kumar
6. M.Chandrasekaran
7. K.S.Suganthi
8. M.S.Mohan Ram
9. V.Sampath
10. R.Radjamany
11. G.Srinivasan
12. S.Arunachalam
13. R.Krishnamoorthy
14. M.Ravi
15. P.Anburajan
16. Go.Poopthi
17. Vasanthi Gnanasekar
18. A.Arputham

... Petitioners

-Vs.-

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Agriculture Department,
Secretariat,
Chennai - 600 009.
2. The Director of Horticulture and Plantation Crops,
Chepauk, Chennai - 5.
3. The Director of Agriculture
Chepauk, Chennai - 600 005.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 1st respondent in



G.O.Ms.No.362, Agriculture Department, dated 15.12.2008 and quash the same.

For Petitioners : No Appearance

For Respondents : Mr.C.Selvaraj
Government Advocate

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O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in five previous listings on 06.08.2021, 09.08.2021, 11.08.2021, 13.08.2021 and 16.08.2021 which read as follows:

Proceedings dated 06.08.2021:

'There is no representation for writ petitioners, however, Mr.C.Selvaraj, learned State Counsel on behalf of all the three respondents (Official respondents) is before this virtual Court.

2. Learned State counsel submits that a counter affidavit has been filed, but the same is not before this Court. Learned State Counsel to ensure that a copy of counter affidavit is refiled.

3. Be that as it may, Registry to list this matter on Monday, with the intention of giving opportunity to writ petitioners and writ petitioners' counsel.

List on Monday (09.08.2021).'

Proceedings dated 09.08.2021:

'Mr.R.Ravichandran, learned counsel representing the counsel on record Mr.A.P.Balasubramani for eighteen writ petitioners is before this virtual Court and learned counsel submits that Mr.A.P.Balasubramani has given change of vakalat and has returned the papers to the writ petitioners. This submission is recorded. Registry to verify if any new counsel has entered appearance on behalf of writ petitioners, if yes and if vakalatnama is in order, Registry to show the name of the new



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counsel. If that not be so, Registry to show the names of all the writ petitioners in the next listing. Mr.C.Selvaraj, learned State counsel is before this virtual Court on behalf of all the three respondents, learned State Counsel points out that a counter affidavit has been filed and he is ready.

2. List day after tomorrow. List on 11.08.2021.'

Proceedings dated 11.08.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 09.08.2021.

2. This Court is informed that no new counsel was entered appearance on behalf of the eighteen writ petitioners. Notwithstanding a specific directive in this regard in the previous listing, Registry has not shown the names of all writ petitioners. Registry to do the needful in the next listing.

3. Learned State Counsel Mr.C.Selvaraj is before this virtual Court on behalf of all the three respondents.

List day after tomorrow (13.08.2021).'

Proceedings dated 13.08.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 11.08.2021.

2. Pursuant to earlier directive, names of all 18 writ petitioners (together with addresses) are shown in the cause list, but the position is no different today. In other words, there is no representation for writ petitioners and learned State counsel Mr.C.Selvaraj on behalf of three respondents is before this Virtual Court.

3. With the intention of giving opportunity to writ petitioners, Registry is directed to list this matter in the same manner showing names of all 18 writ petitioners in the cause list on Monday 16.08.2021.'



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Proceedings dated 16.08.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 13.08.2021.

2. Though names of eighteen writ petitioners (together with full/complete addresses) are shown in the cause list, today also there is no representation for writ petitioners. In other words, position is no different today. There is no representation for writ petitioners, but learned State counsel on behalf of three respondents is before this Virtual Court.

3. A perusal of case file reveals that this is the fifth consecutive hearing in which there has been no representation for writ petitioners and four consecutive earlier listings are 06.08.2021, 09.08.2021, 11.08.2021 and 13.08.2021.

4. Therefore, Registry to list this matter under the cause list caption 'FOR DISMISSAL' tomorrow i.e., 17.08.2021.'

2. Pursuant to the aforementioned proceedings made in last listing on 16.08.2021, captioned matter is listed under the cause list caption 'FOR DISMISSAL', but the position is no different today. In other words, though names of 18 writ petitioners (together with full/complete addresses) are shown in the cause list, today also there is no representation for writ petitioners. However, learned State counsel on behalf of all three respondents is before this Virtual Court.

3. The sequitur qua narrative thus far is, writ petitioners are not inclined to pursue the captioned matter. Therefore, captioned Writ Petition is dismissed for default/non-prosecution. Consequently, connected miscellaneous petition i.e., M.P.No.1 of 2008 is also dismissed for default/non-prosecution. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mk



To

1. The Secretary to Government,
Agriculture Department,
Secretariat,
Chennai - 600 009.

2. The Director of Horticulture and Plantation Crops,
Chepauk, Chennai - 5.

3. The Director of Agriculture
Chepauk, Chennai - 600 005.

+1cc to the Government Pleader, S.R.No.41486

W.P.NO.30705 OF 2008

PL(CO)
PBS/08/09/2021