



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.12.2021

CORAM:

THE HON'BLE MR. JUSTICE M.DURAISWAMY

AND

THE HON'BLE MR. J. SATHYA NARAYANA PRASAD

W.A.Nos.2924, 2926, 2931 & 2932 of 2021 and
W.M.P. Nos. 19831, 19838, 19855 & 19857 of 2021

1. D. Gubendragunabalan
... Appellant in W.A.Nos. 2924 & 2926/2021
2. Dr.N.Veerappan
... Appellant in W.A.Nos.2931 & 2932 of 2021
v.
1. State of Tamil Nadu,
Represented by Principal Secretary,
Backward Classes, Most Backward Classes and
Minorities welfare (BC3) Department,
Fort St. George, Chennai - 600 100.
2. Tamil Nadu Vanniyakula Kshatriya Public
Charitable Trusts and Endowment Board,
Represented by its Chairperson,
Chennai - 600 008.
3. The Chairman,
P.T. LeeChengalvaraya Naicker Trust,
2-3, E.V.K. Sampath Salai,
Vepery, Chennai - 7.
4. Board of Trustees,
P.T. LeeChengalvaraya Naicker Trust,
Represented by Secretary,
2-3, E.V.K. Sampath Salai,
Vepery, Chennai - 7.

... Respondents in all Writ Appeals

W.A.No.2924 & 2926/2021 : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order made W.M.P.Nos. 25514 & 25516 of 2021 in W.P.No.24181 of 2021, dated 12.11.2021.

Prayer in W.P.No.24181 of 2021:

Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of a Certiorari calling for the records of the 1st Respondent in G.O.(2D) No.21 dated 29.10.2021 backward classes, Most Backward Classes and Minorities Welfare (BC3) Department and quash the same.



PRAYER IN WMP NO.25514 OF 2021

to grant an order of Interim Injunction restraining the respondents 1 and 2 therein from filling up the vacancy caused by the removal of the petitioner from the post of the trusteeship of P. T. Lee Chengalvaraya Naicker Trust pending disposal of the writ petition.

PRAYER IN WMP NO.25516 OF 2021

to stay the operation of the order of the 1st respondent in G. O.(2D) No. 21 dated 29.10.2021 Backward Classes Most Backward Classes and Minorities Welfare (BC3) Department pending disposal of the writ petition.

W.A.Nos.2931 & 2932 of 2021 : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order made W.M.P.Nos. 25491 & 25493 of 2021 in W.P.No.24166 of 2021, dated 16.11.2021.

PRAYER IN WMP NO.25491 OF 2021:

To grant an order of interim injunction restraining the respondents 1 and 2 herein from filing up the vacancy caused by the removal of the petitioner from the post of the trusteeship of P..T.Lee Chengalvaraya Naicker Trust Pending disposal of the writ petition.

PRAYER IN WMP NO.25493 OF 2021:

To stay the operation of the order of the 1st respondent in G.O. (2D) No.21 dated 29/10/2021 Backward Classes Most Backward classes and Minorities Welfare (BC3) Department Pending disposal of the writ petition.

Prayer in W.P.No.24166 of 2021:

Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of a Certiorari calling for the records of the 1st Respondent in G.O.(2D) No.21 dated 29.10.2021 backward classes, Most Backward Classes and Minorities Welfare (BC3) Department and quash the same.

For Appellants: Mr. AR.L. Sundaresan,
Senior Counsel
for Mrs. AL. Gandthimathi
[W.A.No.2924 & 2926/2021]
Mr. S.N. Parthasarathi
[W.A.Nos.2931 & 2932 of 2021]

For Respondents : Mrs. Geetha Thamarai Selvan
Spl. G.P. - for R1(in all Appeals)



COMMON JUDGMENT
(Judgment was delivered by M. DURAISWAMY, J.)

Challenging the orders passed in W.M.P.Nos. 25514 & 25516 of 2021 in W.P.No.24181 of 2021 and W.M.P.Nos. 25491 & 25493 of 2021 in W.P.No.24166 of 2021, the Writ Petitioners have filed the above Writ Appeals.

2. The appellants have filed the Writ Petitions to issue Writ of Certiorari to call for the records of the 1st respondent dated 29.10.2021, Backward Classes, Most Backward Classes and Minorities welfare (BC3) Department and to quash the same. Along with the Writ Petitions, the appellants have also filed Miscellaneous Petitions in W.M.P.Nos. 25514 & 25516 of 2021 in W.P.No.24181 of 2021 and W.M.P.Nos. 25491 & 25493 of 2021 in W.P.No.24166 of 2021, seeking for grant of an order of interim injunction restraining the respondents 1 and 2 from filling up the vacancy caused by the removal of the appellants-writ petitioners from the post of the trusteeship of P.T. LeeChengalvaraya Naicker Trust, pending disposal of the Writ Petitions and to stay the operation of the order of the 1st respondent dated 29.10.2021, till the disposal of the Writ Petitions.

3. The learned Single Judge, after hearing both sides, declined to grant any interim order and dismissed all the Miscellaneous Petitions, by orders dated 12.11.2021 and 16.11.2021 respectively. Challenging the dismissal of the Miscellaneous Petitions, the Writ Petitioners have filed the above Writ Appeals.

4. Admittedly, the respondents have not filed their counter in the Writ Petitions. Further, it is not in dispute that the Writ Petitions are also pending before the learned Single Judge. The appellants have challenged the dismissal of the Miscellaneous Petitions, which we are not inclined to entertain. The submissions now made by Mr. AR.L. Sundaresan, learned Senior Counsel appearing for the appellant in W.A.No.2924 & 2926/2021 and Mr. S.N. Parthasarathi, learned counsel appearing for the appellant in W.A.Nos.2931 & 2932 of 2021 have already been raised as grounds in the pending Writ Petitions. The issues involved in the present Writ Appeals can be decided in the Writ Petitions. It is also needless to say that even if the respondents 1 and 2 fill up the vacancy caused by the removal of the appellants-writ petitioners and in the event of the appellants succeeding in the Writ Petitions, any appointment made by the respondents 1 and 2 would be set aside. Therefore, we are of the considered view that the issues involved in the above Writ Appeals can be decided in the pending Writ Petitions.

5. Mr. AR.L. Sundaresan, learned Senior Counsel appearing for the appellant in W.A.No.2924 & 2926 of 2021 submitted that the learned counsel on record would make a



mention before the learned Single Judge for taking up the Writ Petitions at an early date for the reason that the last date for submission of the application for appointment of trusteeship is on 18.12.2021. Further, the learned Senior Counsel submitted that all the grounds raised by the appellants may be kept open and the learned Single Judge may decide them, in accordance with law.

6. As already stated, since we are not inclined to entertain the Writ Appeals filed against the interim orders, the Writ Appeals are liable to be dismissed. Accordingly, the same are dismissed. We keep all the grounds raised in the Writ Appeals open and it is open to the learned Single Judge to decide the issues that are raised in the Writ Petitions, in accordance with law. In the event of the learned counsel appearing for the appellant making a mention before the learned Single Judge, it is open to the learned Single Judge to take up the matter early and decide the same, in accordance with law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Rj
To

1. The Principal Secretary,
Backward Classes, Most Backward Classes and
Minorities welfare (BC3) Department,
Fort St. George, Chennai - 600 100.
 2. The Chairperson,
Tamil Nadu Vanniyakula Kshatriya Public
Charitable Trusts and Endowment Board,
Chennai - 600 008.
 3. The Chairman,
P.T. LeeChengalvaraya Naicker Trust,
2-3, E.V.K. Sampath Salai, Vepery, Chennai - 7.
 4. The Secretary,
Board of Trustees,
P.T. LeeChengalvaraya Naicker Trust,
2-3, E.V.K. Sampath Salai,
Vepery, Chennai - 7.
- +1 cc to Mr.S.N. Parthasarathi, Advocate Sr.NO. 64002
W.A.Nos.2924, 2926, 2931 & 2932 of 2021 and
W.M.P. Nos. 19831, 19838, 19855 & 19857 of 2021

SSV(CO)

A.S.K.(06/12/2021)