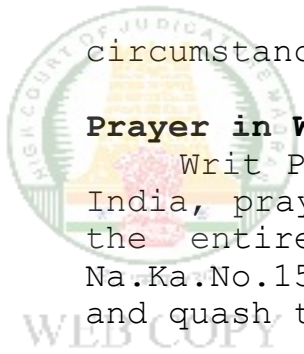




circumstances of this case and thus render justice.

Prayer in WP(MD) . 21788/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI calling for the entire records pertaining to the impugned proceedings in Na.Ka.No.1577/2021/A2 dated 13.09.2021, issued by the 3rd respondent and quash the same as per-se illegal.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.M.Vishnuvarthanan, Advocate for the Petitioner and of Mr.T.Amjadkhan, Government Advocate, on behalf of the respondents, this Court made the following order:

Captioned 'Writ Miscellaneous Petition' ('WMP' for the sake of brevity) has been filed by two petitioners with a prayer to permit them to join together and file a single writ petition. The petition reads as follows:

'2B PETITION

For the reasons stated in the accompanying affidavit, it is therefore, prayed that this Hon'ble Court may be pleased to permit the petitioners to joint together and file a single writ petition under Rules 2B of Appendix V of Appellate Side Rules and pass any other appropriate order deemed fit to the facts of the case thus render justice'

2. The caption says 2B, but it does not give the title of the Rules. The prayer talks about Appendix V of Appellate Side Rules and that also does not give the title. Be that as it may it is an obvious reference to Rule 2-B of 'Rules to Regulate Proceedings under Article 226 of the Constitution of India' (hereinafter 'said Rules' for the sake of convenience and clarity).

3.The aforementioned said Rules is no more in vogue as 'Madras High Court Writ Rules, 2021' (hereinafter 'said New Rules' for the sake of convenience and clarity) kicked in on and from 08.09.2021.

4. Rule 32 of said New Rules reads as follows:

'32. Repeal and savings: All previous rules framed by the High Court to regulate proceedings under Article 226 of the Constitution of India including the Madras High Court Writ Rules, 2021, published in Tamil Nadu Government Gazette Issue No.26, dated 30.06.2021, shall stand repealed. Notifications, circulars, and administrative instructions inconsistent with these Rules shall stand repealed to the extent of such inconsistency.'

5. The above Rule 32 of said New Rules makes it clear that said Rules stand repealed. This means that the captioned WMP can only be under Rule 15 of said New Rules, which reads as follows:



'15. Permission to file a single Writ Petition:

(1) The Court may permit several petitioners to join in a single Writ Petition having regard to the nature of the grievance, the source of the right which they seek to enforce, the nature of the cause of action alleged and the nature of the relief prayed as the Court may deem fit and proper, without payment of any additional court fee. This shall apply mutatis mutandis to Writ Petitions against a common order.

(2) The Petition for permission as aforesaid shall be listed simultaneously with the Writ Petition for admission. If the court rejects the prayer, the Writ Petition shall be confined to the first petitioner and the other petitioner/s shall be entitled to file separate Writ Petition/s '

6. In a little over four weeks in this Bench, I find that WMPs of the nature on hand i.e., WMPs with prayers to permit several writ petitioners to join in a single writ petition are being processed under Rule 2B and more so, without even mentioning the title of the Rules. In my considered opinion, this should not continue. To be noted, I have made this position clear earlier *inter alia* vide an order dated 03.12.2021 made in W.M.P.(MD)No.18087 of 2021 in W.P.(MD)No.21531 of 2021 but the practice continues unabated.

7. To put it differently, prayers of the above nature should be made only under Rule 15 of said New Rules and Registry should take note of this aspect of the matter.

8. Be that as it may, in the case on hand I find that the nature of the grievance, the source of right which is sought to be enforced, the nature of cause of action and the nature of relief prayed are common and therefore, captioned WMP is ordered as prayed for albeit subject to the two writ petitioners paying separate Court fee.

9. Registry to place forthwith this order of mine before Hon'ble Administrative Judge of this Bench and seek suitable orders on the administrative side *inter alia* regarding circulating this order to the Registry.

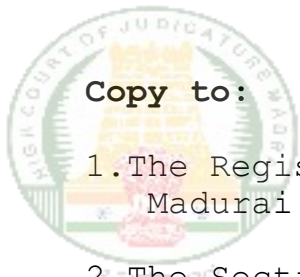
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Copy to:

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.P.M.Vishnuvarthanan, Advocate, vide SR No.38051.

ORDER DATED : 08/12/2021

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ORDER
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WMP(MD) . No.18401 of 2021
in
WP(MD) No.21788 of 2021

Giving direction and etc.
as stated within.

SB(10.12.2021) 4P 4C