



W.P.No.22495 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.22495 of 2021

V.Vincent Velankanni

.. Petitioner

Vs

- 1 The Union of India  
Rep. by its Secretary  
Ministry of Law and Justice  
4th Floor, 'A' Wing, Shastri Bhawan  
New Delhi - 110 001.
- 2 The Defence Secretary  
Ministry of Defence  
101-A, South Block  
New Delhi - 110 001.
- 3 The Chairman and DGOF  
Ordnance Factory Board  
10A, S.K.Bose Road  
Kolkata - 700 001.
- 4 The General Manager  
Engine Factory, Avadi  
Chennai - 600 054.

.. Respondents



W.P.No.22495 of 2021

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records pertaining to Essential Defence Services Act, 2021 published by the first respondent vide Gazette Notification No.36, dated 12th August 2021, and quash it.

For the Petitioner : Mr.R.Rajesh Kumar

For the Respondents : Mr.R.Rajesh Vivekanandhan  
Assistant Solicitor General

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking issuance of a writ of certiorari to call for the records pertaining to Essential Defence Services Act, 2021 published by the first respondent vide Gazette Notification No.36, dated 12.8.2021, and quash the same.

2. This court, by order dated 22.10.2021, directed the petitioner to deposit a sum of Rs.25,000/- with the Registry within a fortnight from the date of the said order for issuance of a notice to the respondents. It was further observed that in the event the



W.P.No.22495 of 2021

challenge to the said Act is ultimately found to be frivolous, the amount deposited will be forfeited.

3. It is submitted by learned counsel for the petitioner that pursuant to the aforesaid order dated 22.10.2021, the petitioner deposited the sum of Rs.25,000/- on 10.11.2021. The said fact has also been recorded in the order dated 12.11.2021.

4. Now, learned counsel for the petitioner circulated a letter dated 28.11.2022 seeking leave of this court to withdraw the writ petition.

5. Mr.R.Rajesh Vivekanandhan, learned Assistant Solicitor General appearing on behalf of the respondents, submitted that the prayer made in the writ petition has become infructuous.

6. In view of the aforesaid submissions and the letter dated 28.11.2022 circulated by learned counsel for the petitioner, the writ petition is dismissed as withdrawn. There will be no order as to



W.P.No.22495 of 2021

costs. Consequently, W.M.PNos.23715 and 23716 of 2021 are closed.

The Registry is directed to refund to the petitioner the amount of Rs.25,000/- deposited by the him pursuant to the order dated 22.10.2021, on production of a copy of this order.

(T.R., ACJ.) (D.K.K., J.)  
30.11.2022

Index : No

sasi

To:

- 1 The Secretary  
Union of India  
Ministry of Law and Justice  
4th Floor, 'A' Wing, Shastri Bhawan  
New Delhi - 110 001.
- 2 The Defence Secretary  
Ministry of Defence  
101-A, South Block  
New Delhi - 110 001.
- 3 The Chairman and DGOF  
Ordnance Factory Board  
10A, S.K.Bose Road  
Kolkata - 700 001.
- 4 The General Manager  
Engine Factory, Avadi  
Chennai - 600 054.



WEB COPY



W.P.No.22495 of 2021

T.RAJA, ACJ.  
AND  
D.KRISHNAKUMAR,J.

(sasi)

W.P.No.22495 of 2021

30.11.2022