



WEB COPY



W.P.No.7013 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.7013 of 2020

and

W.M.P.No.8370 of 2020

1.V.Rathinakumar

2.Pugazhenth

... Petitioners

Vs.

1.Union of India,

Represented by its Chief Secretary to Government,
Government of Pondicherry,
Chief Secretariat, Pondicherry.

2.The Secretary to Government,

Department of Health and Family Welfare,
Government of Puducherry,
Puducherry.

3.The Returning Officer Cum Junior Accounts Officer,

Directorate of Health and Family welfare Service,
Government of Pondicherry,
Puducherry – 605 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conduct the enquiry in pursuant to the proceedings vide No.862/H7/Health/2016-



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2019 dated 12.12.2019, issued by the second respondent, over the election petition dated 17.12.2018, and pass appropriate orders within a time frame and further direct the respondents not to give operational effect to the Government Gazette Notification dated 13.12.2018, vide No.PPC/Election/18-19/5, issued by the second respondent until orders are passed in the election petition dated 17.12.2018 pending before the second respondent.

For Petitioners : Mr.B.Balavijayan

For Respondents : Mr.A.Tamilvanan
Additional Government Pleader
(Puducherry)

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus, to direct the respondents to conduct the enquiry in pursuant to the proceedings vide No.862/H7/Health/2016-2019 dated 12.12.2019, issued by the second respondent, over the election petition dated 17.12.2018, and pass appropriate orders within a time frame and further direct the respondents not to give operational effect to the Government Gazette Notification dated 13.12.2018, vide No.PPC/Election/18-19/5, issued by the second respondent until orders are passed in the election petition dated 17.12.2018 pending before the second respondent.



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2. The case of the petitioners are that they are registered Pharmacist and members of Pondicherry State Pharmacy Council. Aggrieved by the election for the Pondicherry Pharmacy Council conducted in the year 2018, the petitioners have filed a petition dated 17.12.2018 before the Government, which is still pending. Pursuant to which, enquiry was conducted vide proceedings dated 12.12.2019, however, no order was passed. Hence, the petitioner has filed the above Writ Petition before this Court.

3. Though very many grounds have been raised in the above writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the second respondent to conclude the proceedings dated 12.12.2019, within a time frame that may be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents submits that, the proceedings dated 12.12.2019 will be completed in the manner known to law, within a stipulated time that may be fixed by this Court.



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5. In view of the aforesaid submissions, this Court, without going into the merits of the case, directs the second respondent to conclude the proceedings dated 12.12.2019, after providing opportunities to all the aggrieved parties, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

25.04.2023
(1/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



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- To
- 1.The Chief Secretary to Government,
Union of India,
Government of Pondicherry,
Chief Secretariat, Pondicherry.
 - 2.The Secretary to Government,
Department of Health and Family Welfare,
Government of Puducherry,
Puducherry.
 - 3.The Returning Officer Cum Junior Accounts Officer,
Directorate of Health and Family welfare Service,
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W.M.P.No.8368 of 2020
in
W.P.No.7013 of 2020

M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which, this order shall be applicable only to the first petitioner.

25.04.2023
(2/2)

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