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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.Nos.4390, 4540, 24708, 27696, 27697 of 2017
&
WP.(MD) No.3033 of 2017

W.P.No.4390 of 2017

M.K.Stalin .. Petitioner

Vs.

1. The Secretary
   Governor's Secretariat
   Raj Bhavan
   Chennai.

2. The Speaker
   Tamilnadu Legislative Assembly
   Fort St. George
   Chennai 9.

3. The Secretary
   Tamilnadu Legislative Assembly
   Fort St. George
   Chennai 9.

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4. The Secretary to Government
Home Ministry
Union of India
New Delhi.

5. Edappadi K.Palanisamy

6. O.Panneerselvam

7. P.Dhanapal .. Respondents
[R6 given up on 27.02.2017]

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration declaring the decision of the second respondent taken on 18.02.2017 on the floor of the Tamil Nadu Assembly in the confidence motion moved by the fifth respondent as illegal, null and void; consequently, direct the second respondent to conduct fresh floor test on the confidence motion moved by the fifth respondent by holding secret ballot to each of the MLA of the respective Legislature Parties, who shall be present in the Assembly, without evicting any of them, under the observation of the Monitoring Committee consists of Secretary to Governor of Tamilnadu, Chief Secretary of Government of Tamilnadu and an official from Election Commission of India not below the rank of Chief Electoral Officer of a State within a reasonable time to be fixed by this Hon'ble Court.

For the Petitioners : Mr.S.Manuraj -

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For the Respondents : WP No.4390 of 2017

Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondents 2 & 3

Mr.B.Rabu Manohar
for Respondent-4

No appearance -
for Respondents 1, 5, 6 & 7

WP No.4540 of 2017

Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondent-8

No appearance -
for Respondent-3

WP No.24708 of 2017

Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondent-1

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Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondent-2

No appearance-
for Respondents 3 & 4

WP Nos.27696 & 27697 of 2017

Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondent-2

No appearance-
for Respondents 1 & 3

WP(MD) No.3033 of 2017

Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Government Pleader
for Respondents 1 & 2

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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Manuraj, learned counsel for the petitioners, Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.A.Selvendran, learned Special Government Pleader, Mr.B.Rabu Manohar and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. Similar writ petition challenging the same proceedings came up before this Court in W.P.No.4869 of 2019 on 08.06.2023 and we disposed of the said writ petition observing that the relief has become academic. We disposed of the said writ petition in view of the judgment of the Apex Court in the case of ***Loknath Padhan v. Birendra Kumar Sahu [(1974) 1 SCC 526]***.

4. In the light of the above, the present writ petitions also stand disposed of as rendered academic. There will be no order as to costs. Consequently, WMP Nos.4577 to 4580, 12422, 26070, 29653

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and 29654 of 2017 are closed.

(S.V.G., CJ.) (P.D.A., J.)
16.06.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(kpl)

W.P.Nos.4390, 4540, 24708, 27696, 27697 of 2017 & WP (MD) No.3033 of 2017

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