



W.P.No.4869 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM :

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

AND

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

W.P.No.4869 of 2017

K.Ravi

.. Petitioner

Vs

1. The Hon'ble Speaker  
Tamil Nadu Legislative Assembly  
Fort St. George, Chennai 600 009.
2. The Secretary  
Tamil Nadu Legislative Assembly  
Fort St. George, Chennai 600 009.
3. The Hon'ble Chief Minister, Tamil Nadu  
Mr.Edappadi K. Palaniswami  
Representing the Council of Ministers  
Fort St. George, Chennai 600 009.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration, declaring that the proceedings held in the Legislative Assembly of the State of Tamil Nadu on 18.02.2017 culminating in the declaration by the 1<sup>st</sup>



W.P.No.4869 of 2017

respondent herein that the new Council of Ministers has won the Confidence Motion are null and void and legally unsustainable.

|                     |                                                                                                                                  |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioners | : Mr.K.Ravi<br>Party-in-Person                                                                                                   |
| For the Respondents | : Mr.P.Muthukumar<br>State Government Pleader<br>Assisted by<br>Mr.K.M.D.Muhilan<br>Additional Govt. Pleader<br>for respondent 2 |

ORDER

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

Shri.Ravi, learned advocate (party-in-person), submits that though the issue raised in the present writ petition is of the year 2017, the same needs to be considered and decided, as the politicians have played with the constitutional mandate and sentiments of the people.

2. The very concept of the Rule of Law and Democracy, thus held to be inalienable by the basic structure of the Constitution, is defeated. The very purpose and object of filing the present writ petition is the manner in which the politicians behaved and acted on



W.P.No.4869 of 2017

the floor of the Legislative Assembly, thereby challenging the supremacy of "*We the People*".

3. According to him, though the matter has become academic, the vindication of the right of the people needs to be decided.

4. The learned Advocate (party-in-person) tried to impress upon us that this Court may decide the issue, as the same is entirely in public interest. The elected representatives were forced to act under the threat, undue influence and illegal inducement. It virtually amounts the voters of the State being under threat.

5. Though we may appreciate the submissions of the learned Advocate (party-in-person), it would transpire that the issue is merely academic now. No purpose would be served while deciding the issue nor any relief claimed can be granted at this stage.

6. The relief as claimed is as under:



WEB COPY



W.P.No.4869 of 2017

“issue a Writ of Declaration or any other appropriate Writ or direction declaring that the proceedings held in the Legislative Assembly of the State of Tamil Nadu on 18.02.2017 culminating in the declaration by the 1<sup>st</sup> respondent herein that the new Council of Ministers had won the Confidence Motion are null and void and legally unsustainable, and issuing appropriate further or other directions as deemed fit under the facts and circumstances of this case.”

7. It is submitted that these persons are not holding office.

8. The matters, which have become merely academic, need not be decided at the cost of the time of the Court. In **Loknath Padhan v. Birendra Kumar Sahu, (1974) 1 SCC 526**, the Apex Court held that a court should not undertake to decide an issue, unless it is a living issue between the parties, and pointed out that if an issue is purely academic in that its decision one way or the other would have no impact on the position of the parties, it would be waste of public time and indeed not proper exercise of authority for



W.P.No.4869 of 2017

WEB COPY

the court to engage itself in deciding it.

9. In the light of that, though we appreciate the anxiety of the learned advocate (party-in-person), as the relief claimed would not matter now. We are not inclined to consider the matter on merits. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., C.J.)

(P.D.A., J.)

08.06.2023

Index : Yes/No  
Neutral Citation : Yes/No

bbr/drm

To:

1. The Hon'ble Speaker  
Tamil Nadu Legislative Assembly  
Fort St. George, Chennai 600 009.
2. The Secretary  
Tamil Nadu Legislative Assembly  
Fort St. George, Chennai 600 009.
3. The Hon'ble Chief Minister, Tamil Nadu  
Mr.Edappadi K. Palaniswami  
Representing the Council of Ministers  
Fort St. George, Chennai 600 009.



WEB COPY



W.P.No.4869 of 2017

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

bbr/drm

W.P.No.4869 of 2017

08.06.2023