



WMP(MD) No.4512 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)
Monday, the Fourth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

WMP(MD) No.4512 of 2024
IN
WP(MD) No.19859 of 2020

1 S.SANKARESWARAN(DIED) ...NIL/PETITIONER
2 JAYANTHIMALA
3 DEEPAN KARTHIK
4 DEEPIKA ... PETITIONER/PROPOSED PETITIONERS

Vs

1 THE PRINCIPAL SECRETARY
HIGHWAYS AND MINOR PORTS (HR2) DEPARTMENT,
GOVERNMENT OF TAMIL NADU
FORT ST. GEORGE,
CHENNAI 600 009
2 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR PORTS(HRS) DEPARTMENT,
GOVERNMENT OF TAMIL NADU
FORT ST.GEORGE,
CHENNAI 600 009
3 THE DEPUTY SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION,
TNPSC ROAD,
CHENNAI 600 003



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4 THE DIRECTOR GENERAL
HIGHWAYS DEPARTMENT,
GUINDY, CHENNAI 600025

5 THE CHIEF ENGINEER(C AND M)
OFFICE OF CHIEF ENGINEER,
HIGHWAYS DEPARTMENT, GUINDY,
CHENNAI 600 025

6 THE DIVISIONAL ENGINEER
OFFICE OF DIVISIONAL ENGINEER,
HIGHWAYS,
MADURAI 625 002

7 THE ASSISTANT ENGINEER
OFFICE OF ASSISTANT ENGINEER,
HIGHWAYS,
USILAMPATTI, MADURAI

... RESPONDENTS/RESPONDENTS

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit us to implead the petitioner self and the petitioners 2 and 3 as proposed petitioners 1 to 3 in the above writ petition in WP(MD) 19859/2020 which is pending on the file of this Honble Court.

Prayer in WP(MD). 19859/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ order or direction or any other writ in the nature of a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 1st respondent in G.O(D).No.300 Highways and Minor Ports (HR2) Department dated 5.11.2020 along with 3rd respondents Letter No.5607/TCT.P2/2016-I dated 24.05.2019 quash the same and consequently direct the respondents herein to disburse the entire retirement benefits and pension with arrears and revised pension.

ORDER : This Writ Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the



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arguments of P. MAHENDRAN, Advocate for the petitioner and of MR.J.ANANDKUMAR, Advocate for the 3rd Respondent, the court made the following order:-

This application is filed to bring on record the proposed petitioners 2, 3 and 4 on record as petitioners 2, 3 and 4 in the main writ petition being the legal representatives of the original writ petitioner.

2. Petitioners 2 to 4 herein appears to be the widow, son and daughter respectively of the deceased writ petitioner. In the circumstances, this Court does not see any impediment for ordering this application. Hence, this application is ordered and the proposed petitioners 2 to 4 are impleaded as petitioners 2 to 4 in the main writ petition.

3. Office is directed to carry out necessary amendment.

4. This Court time and again noticing that in all the applications filed to bring on record the legal representatives of the respective deceased parties, the original deceased parties are not being given any status, though their names are shown in the cause title. If the deceased parties are not shown their status by giving appropriate ranking in the array of cause title either as petitioner/appellant/respondent, it will be difficult for the Court to refer to such parties while passing orders and also when there was need to state about their relation to their respective legal representatives.



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5. Hence, the Registry is directed to ensure that in all the applications filed to bring on record the legal representatives of deceased parties, the original status/rank of the deceased party in the array of cause title should remain as it is and the legal representatives should be given their respective status/rank either as petitioners or respondents.

6. For instance, in the case on hand where the original writ petitioner died and his wife and children are sought to be brought on record as legal representatives. But the legal representatives are shown as petitioners 1 to 3 and the deceased sole writ petitioner is not given any ranking in the array of cause title. In such case, it would be difficult for the Court to refer to the deceased writ petitioner while passing orders or while adjudicating the matter. Hence, the Registry is directed to ensure that such instance does not repeat hereafter, while numbering all applications/petitions filed to bring on record the legal representatives of deceased parties in all Writ Petitions/Civil Revision Petitions/ Appeal Suits/Second Appeals/Writ Appeals etc.

sd/-
04/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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COPY TO

THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
WMP(MD) No.4512 of 2024
IN
WP(MD) No.19859 of 2020
Date :04/03/2024

PKP/JGB/SAR /14.03.2024/ 5P/ 2C

Madurai Bench of Madras High Court is issuing certified
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