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Part III—Section 2

Statutory Notifications and Orders issued by
Heads of Departments.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

JUDICIAL NOTIFICATIONS

THE HIGH COURT OF JUDICATURE AT MADRAS

Amendment to Rule 2 of Order II of Rules of the High Court, Madras, Original Side, 1994

(Roc. No. 38/2020/F1)

No. SRO C-16/2021.

In exercise of the powers conferred under Clause 37 of Letters Patent and Article 225 of the Constitution of India and all other powers hereunto enabling, High Court, Madras, hereby makes the following amendment to Rule 2 of Order II of the Rules of the High Court, Madras, Original Side, 1994. The Amendment shall come into force with effect from the date of Publication in the Gazette.

AMENDMENT

In the Rules of the High Court, Madras, Original Side, 1994, for the existing Rule 2 of Order II of the said Rule, the following rule shall be substituted, namely:-

“All affidavits, interlocutory applications, and other proceedings presented to the Court shall be written, typewritten or printed fairly and legibly, on substantially white A4 Size paper, not less than 100 GSM, instead of green or embossed paper and separate sheets shall be stitched together bookwise. The writing or printing shall be on both sides of the paper and numbers shall be expressed in figures.

All pleadings presented to the High Court shall be either printed or typewritten with following Margins:

<u>For the Appellate Side</u>	<u>For the Original Side</u>
From the top – 3.5 cm	From the top – 3.5 cm
From the bottom – 3cm	From the bottom – 3 cm
From the left – 3.5 cm	From the left – 4 cm
From the right –2.5 cm	From the right –2.5 cm

High Court, Madras,
17th June 2021.

P. DHANABAL,
Registrar General.

MADRAS HIGH COURT WRIT RULES, 2021

(Roc. No. 2734/2012/F1)

No. SRO C-17/2021.

By virtue of Article 225 of the Constitution of India and all other powers hereunto enabling, the High Court of Judicature at Madras makes the following Rules to regulate proceedings under Article 226 of the Constitution of India.

1. Title, Applicability and Commencement

- (1) These Rules shall be called the Madras High Court Writ Rules, 2021.
- (2) These Rules shall come into force from the date of the publication in the *Tamil Nadu Government Gazette*.
- (3) These Rules shall apply to all proceedings under Article 226 of the Constitution of India, filed in the High Court after the commencement of these Rules.
- (4) These Rules shall *mutatis mutandis* apply to Writ Miscellaneous Petitions, affidavits, counter affidavits, other affidavits and documents filed after the commencement of these Rules in pending Writ Petitions.

2. Definitions

In these Rules, unless the context otherwise requires,

- (1) “Court”, means a single Judge, a Division Bench or a Larger Bench and wherever the context requires, includes a Registrar or any other Officer of the High Court exercising or authorised to exercise powers under these Rules.

- (2) "Chief Justice", means the Chief Justice of the High Court of Judicature at Madras and includes the acting or officiating Chief Justice.
- (3) "Petition", means Writ Petition or Writ Miscellaneous Petition.
- (4) "High Court", means the High Court of Judicature at Madras, its Principal Seat and the Madurai Bench.
- (5) "Rules", means these Madras High Court Writ Rules, 2021.

3. Form of Writ Petitions

- (1) A petition for directions, orders or writs under Article 226 of the Constitution of India including a writ of *habeas corpus*, *mandamus*, *prohibition*, declaration, *quo warranto*, *certiorari* or *certiorarified mandamus* shall be in the form of a petition accompanied by an Affidavit setting out the facts, contentions and grounds, as prescribed in these Rules.
- (2) A petition shall
- bear the title "Writ Petition No. _____ of 20..."
 - indicate that it is filed under Article 226, Constitution of India,
 - contain the name, description and the address of the Petitioner and the Respondent, and
 - contain the relief sought.
- (3) A Petition may contain multiple or alternate reliefs arising from same cause of action, in addition to one or more ancillary or consequential reliefs.
- Provided that separate court fee should be paid for each multiple relief, but not for ancillary or consequential reliefs.
- Provided further the court may direct the filing of a separate Writ Petition in respect of any multiple relief.
- (4) A Petition shall be signed by the petitioner or his Advocate. Every Advocate signing a Writ Petition shall record below his name, his roll number in the rolls of the State Bar Council where he is enrolled.
- (5) A Petition seeking relief against an officer or other employee of a State or Central Government in relation to his official duties shall refer to the person concerned only by designation and not by name. The State or Central Government may be made a party to the Writ Petition where necessary.
- (6) Where a Petition is filed by or against the High Court, the High Court shall be represented by its Registrar General.
- (7) Where the cause of action for the Petition relates to criminal proceedings, or arises from Acts containing penal provisions, or is against police officials, including parole, premature release, and remission, the Writ Petition shall be in the form set out in these Rules and titled as "W.P. (Cr.) No. of 20 " .

4. Habeas Corpus Petition

- (1) A Petition for *Habeas Corpus* shall bear the title "*Habeas Corpus* Petition No. of 20 " .
- (2) The cause title of a *Habeas Corpus* Petition shall incorporate the following words in the right hand side below the case number and above the name of the petitioner.
- "(In the matter of "detenu") (Full name of the "detenu" as found in the order of detention, where applicable)"
- (3) Every *Habeas Corpus* Petition shall contain the following Schedule:

SCHEDULE

- | | |
|------------------------------|---|
| (i) Name of the detenu | : |
| (ii) Father's/Husband's Name | : |
| (iii) Age | : |
| (iv) Permanent Address | : |

- | | |
|---|---|
| (v) Identification Marks (As found in the Order of Detention) | : |
| (vi) Date of Detention Order | : |
| (vii) Reference Number of the Detention Order | : |
| (viii) Name of the Prison where the detenu is lodged | : |
| (ix) Prison Number | : |
| (x) In non-statutory cases, the name of the Person detaining the detenu | : |

Portions which do not apply shall be indicated "not applicable".

5. Form of Writ Miscellaneous Petitions

- (1) Every petition seeking interim relief in a Writ Petition shall bear the title "Writ Miscellaneous Petition No. of 20..."
- (2) Rule 3 shall apply *mutatis mutandis* to Writ Miscellaneous Petitions.
- (3) Where a Writ Petition and a Writ Miscellaneous Petition are supported by a common affidavit, the same shall not be duplicated.

6. Affidavits in support of Petitions

- (1) Every Petition shall be supported by an affidavit.
- (2) The affidavit shall bear the cause title of the Petition and set forth
 - (a) facts leading to the filing of the Petition,
 - (b) facts giving jurisdiction to the High Court to entertain the Petition,
 - (c) the grounds, in case of a Writ Petition and
 - (d) the interim relief, final relief.
- (3) The interim relief and final relief, as far as possible, shall be in the penultimate and the last paragraphs respectively of the common affidavit.
- (4) The affidavit shall be drawn up in the first person and be divided into paragraphs numbered consecutively.
- (5) The deponent of an affidavit shall be identified clearly with full name, parent's/spouse's name, age, profession or trade and the official or the residential address.
- (6) The affidavit shall clearly mention whether the statements made therein are based on personal knowledge, information or belief. Where a statement is based on oral information, the affidavit shall disclose the source of such information and where the information is based on records, the affidavit shall give sufficient particulars of such records.

7. Mandatory statements in an affidavit in support of a Writ Petition

- (1) An affidavit in support of a Writ Petition shall contain the following statements:
 - (a) a statement that the petitioner does not have any other alternative or equally efficacious remedy except to file the Writ Petition.
 - (b) a statement that the petitioner has not filed any other legal proceedings on the same cause of action and for the same relief.
 - (c) a statement disclosing details of legal proceedings, if any, relating to the same subject matter, either pending or disposed.
 - (d) a statement whether or not the petitioner has received notice of any caveat.

- (2) An affidavit in support of a *Habeas Corpus* Petition shall contain the following statement in the penultimate paragraph

"I declare that no other prior *Habeas Corpus* Writ Petition had been filed or moved before this Hon'ble Court, the Supreme Court of India or any other Court on the same cause of action. I further declare that the facts set out in this affidavit are true and correct to the best of my knowledge and no material had been concealed or suppressed".

- (3) An affidavit in support of a writ of *mandamus* shall contain a statement detailing the demand, for performance of the duty, made on the respondent concerned including the particulars of the demand, the place and time where such demand was made.
- (4) Where a Writ Petition is filed in a representative capacity the affidavit shall give necessary particulars to show that the petitioner is competent to file the Writ Petition in a representative capacity.

8. Signature, alterations and interlineations

- (1) The deponent of an affidavit shall sign his name at the foot of each page and in the jurat at the last page.
- (2) The deponent shall authenticate alterations or interlineations in an affidavit by subscribing his initials adjacent every such alteration or interlineation. The number of alterations or interlineations, authenticated, shall, be noted at the foot of each page under the initials of the deponent.
- (3) Where an affidavit contains numerous alterations or interlineations, the registry shall require a clean copy thereof to be filed.
- (4) An affidavit containing alterations or interlineations which is not so authenticated shall not be used without the leave of the Court.

9. Attestation of affidavits

- (1) Every affidavit in support of a Petition shall be duly attested by advocate, notary or commissioner of oaths. The attester shall add below his signature, his seal, if any, his name in capital letters, his roll number in the State Bar Council where he is enrolled and his official or residential address.
- (2) Where the deponent is not personally known to the attester, the attester shall require the deponent to be identified to his satisfaction. Where the deponent has been identified by a person known to the attester, the attester shall specify at the foot of the affidavit the name and description of such person and require such person to sign at the foot of the last page, adjacent to the jurat.
- (3) Where the deponent has been identified on the basis of identification documents, the attester shall give details of such identification documents at the foot of the last page adjacent to the jurat.

10. Administration of oath, affirmation

- (1) The advocate, notary or commissioner of oaths attesting an affidavit shall administer an oath or affirmation to the deponent prior to his attestation. The attester shall comply with the requirements of the Oaths Act, 1969 in administering the oath or affirmation.
- (2) Where the deponent is ignorant of the language in which the affidavit is written or appears to be illiterate or blind, the attester shall have the affidavit read over to him in a language which he understands. Thereafter, the deponent shall be sworn or affirmed in the usual manner and a certificate in the following form shall be appended to the affidavit:

Sworn (or solemnly affirmed) at ... on the day of20..., before me

The contents of this affidavit (or solemn affirmation) have been truly and audibly read over to the deponent in he being unacquainted with.....(or being blind) who appeared perfectly have understood the same and made his mark, thereto (or signed his name) in my presence.	(SD) A B (Signed) C D (Designation)
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11. Paper size: Petitions and affidavits shall be drawn up on both sides of legal size (foolscap) green paper for the use of the Court and white paper for others in such manner as may be prescribed from time to time.

12. Documents: A party intending to rely on documents in support of his case shall file legible and accurate copies of such documents duly certified as true copies by the party or his advocate. A document in a language other than Tamil and English shall be accompanied by a true and accurate translation thereof in English.

Provided copies of documents in Tamil shall be translated if required by the Court.

13. Paper books

- (1) A Writ Petition shall be filed in duplicate if it is to be heard by a single Judge of which one shall be in green legal size (foolscap) paper, and in triplicate if it is to be heard by a Division Bench of which two shall be in green legal size (foolscap) paper, in the form of a paper book comprising the following in the order given below:-
 - (i) synopsis of the case along with a list of important dates and events and a brief description of the impugned order, if any.
 - (ii) Writ Petition.
 - (iii) affidavit in support of the Writ Petition
 - (iv) Writ Miscellaneous Petition, if any
 - (v) affidavit in support of the Writ Miscellaneous Petition (common affidavit in support of the Writ Petition and the Writ Miscellaneous Petition shall not be duplicated)
 - (vi) impugned order in original (to be kept in the first paper book) or copy (subject to the court dispensing with the production of original)
 - (vii) a copy each of the impugned order and the other documents relied on by the petitioner arranged in chronological order.
- (2) Where in a writ of *mandamus*, the demand for performance of the duty has been made in writing, a copy of such demand and proof of service of such demand shall be included in the documents relied on by the petitioner.
- (3) Petitions, affidavits and documents referred above shall be stitched in a paper book with consecutively numbered pages. The paper book shall be superimposed with table of contents and the corresponding page numbers.
- (4) Where the documents are voluminous, more than one volume of paper book shall be filed with running numbers across volumes.
- (5) The paper book shall contain only such documents referred to in the affidavit filed in support of the Petition.
- (6) In all cases, the Petitioner shall file an additional copy of the paper book for service on the office of the Government Pleader/ Additional Solicitor General, as the case may be.

14. Institution of proceedings: Order IV, Rules 9 to 11 of the Rules of the High Court, Madras, Appellate Side, 1965, relating to the institution of the proceedings shall apply *mutatis mutandis* to Petitions filed under these Rules.

15. Permission to file a single Writ Petition

- (1) The Court may permit several petitioners to join in a single Writ Petition having regard to the nature of the grievance, the source of the right which they seek to enforce, the nature of the cause of action alleged and the nature of the relief prayed as the Court may deem fit and proper, without payment of any additional court fee. This shall apply *mutatis mutandis* to Writ Petitions against a common order.
- (2) The Petition for permission as aforesaid shall be listed simultaneously with the Writ Petition for admission. If in case the court rejects the prayer, the Writ Petition shall be confined to the first petitioner and the other petitioner/s shall be entitled to file separate Writ Petition/s.

16. Writ Petition against numerous respondents: Where there are numerous persons who may be affected in the event of the petitioner succeeding in Writ Petition or whose addresses for effective service of notice in the Writ Petition is not known to the writ petitioner, or where the Court for avoidance of delay, considers it necessary to grant such permission, the petitioner may, with the permission of the Court, file a single petition against one or more of such persons who may be affected, designating and describing him or them, as representing all such persons;

Provided that while granting permission to the petitioner to implead a respondent or respondents in a representative capacity, the Court may direct publication of notice in the prescribed form to afford an opportunity to affected persons to come on record if he so chooses.

17. Posting of Writ Petitions

(1) The following categories of Writ Petitions shall be posted before a Division Bench:-

- (i) Public Interest Litigation
- (ii) *Habeas Corpus* Petitions
- (iii) Petitions challenging the vires of Acts, Rules or Regulations.
- (iv) Petitions relating to Judicial Service and service of court employees including High Court employees.
- (v) Petitions against the High Court.
- (vi) Petitions arising from the orders of Central Administrative Tribunal, Debts Recovery Tribunal, Debts Recovery Appellate Tribunal, National Company Law Tribunal, Securities Appellate Tribunal and proceedings under the Securitisation and Reconstruction of Financial Assets and Security Interest Enforcement Act, Prevention of Money Laundering Act.
- (vii) Any petition against any action taken or order passed by the Speaker of the Legislative Assembly or against the Speaker of the Legislative Assembly.

Provided that a Division Bench before whom a Petition is posted for hearing may at any time refer it for hearing and determination by a Larger Bench having regard to the importance or complexity of the case.

(2) All other Petitions shall be heard by a single Judge.

Provided that the single Judge before whom a Petition is posted for hearing may at any time refer it for hearing and determination by a Larger Bench having regard to the importance or complexity of the case.

(3) Writ Petitions (CrI.) shall be posted before the single Judge hearing petitions under section 482 Cr.P.C or as directed by the Chief Justice.

18. Categorisation

(1) Every Writ Petition except Writ Petition (CrI.) shall be categorized in any one of the following categories:

- (i) Labour & Service
- (ii) Tax Matters (including Income Tax, Sales Tax, and Motor Vehicle Tax), Customs and Central Excise, Prohibition and State Excise.
- (iii) HR&CE & Wakf
- (iv) Industries, Mines and Minerals
- (v) Cinema
- (vi) Electricity
- (vii) Education
- (viii) Municipalities, Panchayat and Local Bodies
- (ix) Co-operative Societies
- (x) Motor Vehicle
- (xi) Forest
- (xii) Land Reforms, Land Tenancy, ULC, Land Ceiling, Land Acquisition
- (xiii) Registration & Land Laws including cases relating to Patta and other issues relating to Land Revenue
- (xiv) General Miscellaneous (Writ Petitions which do not fall under any of the above categories).

(2) The categorisation made under the New Coding Sheet Procedure, 2006, shall not apply for the purposes of these Rules.

(3) Any doubt relating to the categorisation shall be referred to the concerned roster Judge for decision.

19. Admission

(1) On categorization, the Writ Petitions shall be posted before Court, as per the roster assigned by the Hon'ble Chief Justice from time to time, for admission, along with Writ Miscellaneous Petitions, if any, for filing single Writ Petition, dispensing with production of original impugned order and for other interim reliefs.

(2) The Court may, upon hearing the petitioner or his Advocate, admit the Writ Petition, issue rule *nisi* or order notice of motion and pass such interim order as it may deem necessary, or dismiss the Writ Petition.

(3) Rule *nisi* may be returnable by 4 weeks.

20. Service of notice and process

(1) Any notice or process to be issued by the Court may be served by any one or more of the following modes as directed by the Court:-

- (i) Through the registry of the Court
- (ii) By the party himself
- (iii) Through courier services
- (iv) By registered post or speed post with proof of delivery
- (v) By e-mail or any other electronic mode
- (vi) Through the Head of the Department concerned by any one of the above modes

(2) Where notice is issued in any of the modes above (excepting through the registry of the Court), the party issuing the notice shall file an affidavit evidencing service of the notice on the opposite party.

(3) The Court may, having regard to the number of respondents, their places of residence or work and other circumstances, direct that notice shall be served upon the respondents in any other manner, including through newspaper advertisements as it appears to the Court just and convenient.

(4) The Court may, in its discretion, having regard to the nature and urgency of the case direct service of the notice on the standing counsels appointed as such by the Government or any department of the Government or any Standing Counsel of the Government, Corporation or Statutory Body.

(5) Every notice or rule *nisi* issued by the Court shall, unless otherwise ordered, be accompanied by a copy each of the Petition, the affidavit filed in support thereof.

(6) Subject to the directions of the Court, notice or rule *nisi* shall be served on all the respondents and, for this purpose, the petitioner shall bring in within 5 working days from the date of the order, as many authenticated copies of the Petition, affidavit and copy of the impugned order, as there are parties to be served and pay the process fee as provided under the Rules of the High Court, Madras, Appellate Side, 1965 as amended from time to time.

21. Notice default

(1) If the notice or rule *nisi* in case is returned unserved or without being properly served, the following procedure shall be followed:-

The list of cases in which notice or rule *nisi* is not served or not properly served has to be published. The office of the High Court shall on the first working day of the week, place on the notice board under the signature of the Assistant Registrar, a list of such cases stating therein:-

- (i) The number of the case;
- (ii) The name of the advocate for the petitioner, if any;
- (iii) The name of the respondent on whom the notice or rule *nisi* has been returned unserved or not properly served;
- (iv) The date of return made to the Court by the officer serving the notice; and
- (v) The date on which the unserved or not properly served notice or rule *nisi* was received in the office.

- (2) The publication of such list shall be deemed sufficient notice to the petitioner or his advocate about non-service or of the service not being proper. A copy of such list shall be supplied to the Madras High Court Advocates' Association and Bar Association for its use.
- (3) A party shall within 14 days from the date of the publication of list on the notice board, take necessary steps for getting the notice or rule *nisi* served when it has been returned unserved or to get it properly served.

22. Dismissal for default: Immediately on the expiry of the said period of 14 days if no steps have been taken by the party or the Advocate to get the notice or rule *nisi* served, the office shall forthwith place the matter before the Court for further orders. The Court may, if the party or the Advocate explains the delay, grant further time not exceeding 14 days, except in cases where any of the parties are reported dead, to take necessary steps to get the notice or rule *nisi* served. If no steps are taken even thereafter the Writ Petition or the Writ Miscellaneous Petition/s, as the case may be, shall stand dismissed without further reference to Court. This shall not, however, preclude the petitioner/s from seeking restoration of the case so dismissed by an appropriate application.

23. Appearance by the respondent

- (1) A respondent's advocate shall, within 10 days of entering appearance in a Petition, serve notice of his appearance in Form 13 on the petitioner's advocate. Thereupon, the petitioner's advocate shall furnish the respondent's advocate with a true copy of the paper book filed by the petitioner. This requirement shall not apply if the respondent or his advocate has already been served with the paper book.
- (2) Sub-rule (1) shall apply *mutatis mutandis* where the petitioner or the respondent appears as party in person.

24. Counter affidavit

- (1) Provisions of these Rules applicable to affidavits shall apply *mutatis mutandis* to counter affidavits, reply affidavits and other affidavits.
- (2) Any respondent who intends to file a counter affidavit, shall, unless otherwise ordered, file it within eight weeks from the date of service on him of notice or rule *nisi* provided the Court may extend the time or condone the delay for sufficient cause.
- (3) A counter affidavit and the documents in support of a counter affidavit shall be filed together as a paper book with consecutively numbered pages by each Respondent.
- (4) Where a party files affidavits or documents at different stages or times, the pages of such affidavits or documents shall be numbered in continuation of the paper book, if any, previously filed by such party.

25. Hearing

- (1) At the hearing of a Petition, the Court may hear the Petitioner, the Respondents, and any person who desires to be heard in support or opposition to the petition and appears to the Court to be a proper person to be heard, notwithstanding that he has not been served with notice, and subject to such conditions, including whether such persons shall be heard only on legal issues and as to costs, as the Court may deem fit to impose.
- (2) Any additional affidavit or document, shall be filed in the Registry as a paper book with continuous numbering as per Rule 13(4), after duly serving an authenticated copy thereof on the counsel for the opposite party.
- (3) At the final hearing, counsel desirous of filing notes of submissions, may do so with the permission of the court. Such notes shall be confined to the facts and grounds argued.

26. Impleading, amendments

- (1) The Court may at any stage of the proceedings either upon or without any application and on such terms as may appear to be just, order that the name of any party improperly joined be struck off and that the name of any person who ought to have been joined or whose presence may be necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions in the Petition, be added.
- (2) No new factual ground shall be relied on and no new relief shall be sought at the hearing except as found in the Petition and the supporting affidavit or counter affidavit provided the Court may allow a Petition or affidavit to be amended on such terms as to cost or otherwise as the Court deems fit. However, the Court shall have powers to mould any relief.

- (3) Any Petition may be continued by or against the legal representative of any party on death of such party, if the right to sue survives.

27. Public Interest Litigation: Writ petitions filed in public interest shall also comply with the rules, namely, "Rules to Regulate the Public Interest Litigations filed under Article 226 of the Constitution of India" notified by the High Court on 11.08.2010 and the amendments thereto.

28. Caveats

- (1) Where a Petition falling under any category listed in Rule 17 (1) (vi) is expected to be made, any person claiming a right to oppose interim orders in such Petition, may lodge a caveat in the High Court in respect thereof, either personally or through his advocate. Such caveat shall not remain in force after the expiry of 90 days from the date on which it was lodged.
- (2) The caveat shall contain an address for service within the ordinary original civil jurisdiction of the High Court in the case of the Principal Bench and within Madurai City in case of the Madurai Bench.
- (3) The caveator shall serve a notice of the caveat by registered post, acknowledgement due, on the person or persons by whom the petition is expected to be made, at his/their last known address and submit to the Court the postal receipt in proof of despatch of notice along with the caveat petition.
- (4) Where a caveat is in force at the time of filing a Petition, the petitioner shall forthwith furnish to the caveator or his advocate a legible copy of the entire paper book referred in Rule 13.
- (5) The High Court in addition to register of caveats, may maintain such register in electronic form to facilitate online search of caveats by parties and advocates.

29. Review

- (1) The Court may review its orders but no petition for review will be entertained except on the grounds mentioned in Order XLVII, Rule 1 of the Code of Civil Procedure, 1908.
- (2) A petition for review shall be duly supported by an affidavit and shall be filed within 30 days from the date of the order sought to be reviewed and it shall clearly set out the grounds for review. However, the Court may entertain the review petition thereafter, for sufficient cause.
- (3) A petition for review shall be disposed of, as far as practicable, by the same Judge who delivered the order sought to be reviewed. The Court may either dismiss the petition or direct notice to the respondents.
- (4) No petition to review an order made on a petition for review or on an order made in the main petition consequent to a review being allowed shall be entertained.

30. Costs: The Court may make such order as to cost and security as it may consider just and necessary in all the proceedings to which these rules apply.

31. Forms: The forms set out in the Appendix herein shall be used, with suitable modifications wherever necessary.

32. Repeal and savings: All previous rules framed by the High Court to regulate proceedings under Article 226 of the Constitution of India shall stand repealed. Notifications, circulars, and administrative instructions inconsistent with these Rules shall stand repealed to the extent of such inconsistency.

APPENDIX - FORMS**FORM No.1**

FORM OF PETITION

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

Writ Petition / Writ Petition (Crl.) No. ... of 20...

Between

AB

.. Petitioner

and

CD

.. Respondent

Petition under Article 226 of the Constitution of India

1. The petitioner is..... (Give description and address)
2. The address of the petitioner for service of all notices is..... The respondent is(Give description and address)
3. For the reasons set out in the Affidavit filed herewith, the petitioner prays that..... (set out the relief sought for).

(Signed).....

Advocate for Petitioner

(or)

(Signed).....

Petitioner

FORM No.1A

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

Habeas Corpus Petition No of 20....

(In the matter of detenu) (Full Name of the detenu as found in the Order of

detention detained at Central Prison)

Between

AB

.. Petitioner

and

CD

.. Respondent

Petition under Article 226 of the Constitution of India

1. The petitioner is(Give description and address)
2. The address of the petitioner for service of all notices is..... The respondent is..... (Give description and address)

3. For the reasons set out in the Affidavit filed herewith, the petitioner prays that..... (set out the relief sought for)

(Signed).....

Advocate for Petitioner

(or)

(Signed).....

Petitioner

SCHEDULE

- (i) Name of the Detenu :
 (ii) Father's/Husband's Name :
 (iii) Age :
 (iv) Permanent Address :
 (v) Identification Marks (As found
 in the Order of Detention) :
 (vi) Date of Detention Order :
 (vii) Reference Number of the
 Detention Order :
 (viii) Name of the Prison where the
 Detenu is lodged :
 (ix) Prison Number :
 (x) In non-statutory cases, the name of the
 person detaining the detenu :

Portions which do not apply shall be indicated "not applicable".

FORM No.2

IN THE HIGH COURT OF JUDICATURE AT MADRAS
 (SPECIAL ORIGINAL JURISDICTION)

..... the day of Two Thousand and.....

PRESENT

The Honourable Mr. Justice

and

The Honourable Mr. Justice

Habeas Corpus Petition No..... of 20...

In the matter of detenu in the Central Prison at.....

Petitioner

Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a writ of *Habeas Corpus* calling for the records leading to the detention of under T.N.Act 14/82 vide Detention Order dated on the file of the respondent(s) herein made in proceeding No. and quash the same as illegal and consequently direct the respondent(s) herein to set the said detenu at liberty from the Central Prison

ORDER

This Habeas Corpus petition coming on for Orders/Hearing on this day, upon perusing the petition, the affidavit filed in support thereof and other papers material to this petition and upon hearing the arguments of Mr. Advocate for the petitioner and of Mr..... Public Prosecutor/Additional Public Prosecutor/Government Advocate on behalf of the State, IT IS ORDERED AS FOLLOWS:-

- 1. that the order of detention of the detenu, son of issued by the respondent(s) in Order No. dated be and hereby is set aside/quashed.
- 2. that the said detenu, viz., son of who is presently confined in Central Prison..... be set at liberty forthwith unless he is liable to be detained for some other cause.

(Signed).....
Assistant Registrar.

(True Copy)

(Signed).....
Sub-Assistant Registrar.

To

- 1. The Secretary to Government, Prohibition and Excise Department, Fort St. George, Chennai – 9.
- 2.
- 3. The Superintendent, Central Prison (in duplicate for communication to Detenu)
- 4. The Joint Secretary to Government, Public (Law & Order), Fort St. George, Chennai – 9.
- 5. The Public Prosecutor, High Court, Madras-104/Puducherry.

Dated:

ORDER

Allowing the petition for the issue of Writ of Habeas Corpus and setting aside/quashing the order of detention and directing the release of the detenu forthwith unless his detention is required in connection with any other case as stated within.

FORM No.3

Order directing issue of WRIT OF *HABEAS CORPUS*
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)
HABEAS CORPUS PETITION No..... of 20....

Date

PRESENT

The Honourable Mr. Justice

and

The Honourable Mr. Justice

Petitioner

Respondent

Petition under Article 226 of the Constitution of India, praying that in the circumstances set out in the Affidavit filed therewith, the Court may be pleased to issue a WRIT OF *HABEAS CORPUS*, etc.....

The petition coming on this day for Orders, upon reading the petition, etc... and upon hearing Mr..... Advocate for the petitioner and Mr....., Advocate for the respondent, IT IS ORDERED that a Writ of *HABEAS CORPUS* do issue to the Superintendent of Central Jail, at..... requiring him to produce the body of..... confined in the said Jail on (date) at 10.30 a.m., before this Court to be dealt with according to law.

Assistant Registrar

Form No.4

WRIT OF *HABEAS CORPUS*
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

The Honourable Mr. Justice

and

The Honourable Mr. Justice

Habeas Corpus Petition No. of 20.....

Petitioner

Respondent

To

The Officer-in-charge of (Name of the Jail)

The Superintendent of (Asylum)

You are hereby directed to produce the body of.....now a prisoner in...../now in custody in Asylum/Jail, now in your charge, under safe conduct before the High Court of Judicature at Madras on(date) at (hour) in the forenoon of the same day and unless the said shall then and there be ordered by the said Court to be released, cause him to be conveyed back under safe custody to the Jail/Asylum/Custody.

Witness the Honourable Mr..... Chief Justice of the High Court of Judicature at Madras, this..... the.....day of in the year Two thousand and

Assistant Registrar

Form No.5

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

The Honourable Mr. Justice

and

The Honourable Mr. Justice

Habeas Corpus Petition No..... of 20.....

Petitioner

Respondent

To

(with copies of petition and affidavit for each)

Thro'

WHEREAS upon motion this day made unto this court by Advocate for the petitioner praying this court to issue a Writ of *Habeas Corpus*

WHEREAS this court has directed to issue notice to the respondent(s) returnable on.....

WHEREAS this Court has granted a Writ of *Habeas Corpus* directed (or other person) having the custody of commanding him to have the body of before the High Court, Madras, immediately to undergo and receive all and singular such matters and things as the Court shall then and there consider of concerning him in this behalf:

Now take notice, that you are hereby required to have the body of the said before this Court on the day of 20..... at the hour ofin the forenoon (or afternoon).

Witness the Honourable Mr..... Chief Justice of the High Court of Judicature at Madras, this.....the..... day of in the year Two thousand and

Dated

Assistant Registrar

FORM No.6

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

..... the day of, Two thousand and.....

The Honourable Mr. Justice

Writ Petition No..... of 20....

Petitioner

Respondent

Petition praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue a *WRIT OF CERTIORARI* calling for the records in on the file of the and quash the order therein.

This petition coming on for orders, upon perusing the petition, the affidavit filed in support thereof and upon hearing the arguments of Mr..... Advocate for the petitioner, IT IS ORDERED as follows:

1) That a Writ of *certiorari and nisi* returnable..... do issue calling for the records in on the file of the and quash the order therein.

2) That a rule *nisi* do issue to the respondent herein directing him to appear before this Court in person or by Advocate on..... at 10.30 a.m. and to show cause why this application should not be complied with.

Assistant Registrar

Dated.....

ORDER

Writ Petition No..... of 20.....
Directing issue of a *WRIT OF CERTIORARI* calling for the records in..... on the file of the and *RULE NISI* to the Respondent to show cause why this application should not be complied with.

FORM No.6A

NOTICE AS TO ADMISSION

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

..... the day of Two thousand and.....

PRESENT

The Honourable Mr. Justice
Writ Petition No..... of 20....

Petitioner
Respondent
Respondent

To

WHEREAS upon motion made unto this Court by Advocate for the petitioner, the Court has directed to issue notice to the Respondent(s)..... returnable on

Take notice that the Writ Petition No..... is set down for hearing on for orders as to admission.

Notice to the respondent(s) returnable on has been ordered on

Sub-Assistant Registrar

FORM No.7

WRIT OF *CERTIORARI* - ORDER *NISI* (to produce and/or to appear)
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

..... the day of Two thousand and.....

PRESENT

The Honourable Mr. Justice
Writ Petition No of 20....

Petitioner
Respondent
Respondent

To

WHEREAS, upon motion this day made unto this Court by Mr..... Advocate for the Petitioner and the Court being of opinion that to call for the records in(set out the relief sought for) together with the decision therein should be called for and perused, IT IS HEREBY COMMANDED

(1) that you, the respondent(s) above mentioned do send forthwith for our use in the High Court of Judicature at Madras all and singular the said records and orders with all things touching the same as fully and perfectly as they have been made by you and now remain in your custody or power together with this our Writ on or before the day of 20..... at 10.30 a.m.

(2) that you, the respondent(s) herein do appear before us personally or by Advocate on the day of 20.....at 10.30 a.m., and show cause why this petition should not be complied with and that we may cause further to be done thereon what of right and according to law we shall see fit to be done.

(3) that you, the respondent(s) herein, as per Rule 24(2) of the Madras High Court Writ Rules, 2021 to regulate proceedings under Article 226 of the Constitution of India, who intends to file a counter affidavit, shall, unless otherwise ordered, file it within 8 weeks from the date of service on him.

Witness the Honourable Mr....., Chief Justice of the High Court of Judicature at Madras this the day of in the year Two thousand and

Assistant Registrar

RETURN OF THE WRIT OF CERTIORARI-ORDER NISI

(To be endorsed on Writ to appear)

The process of the Writ of Certiorari and Nisi whereof mention is within made, was served on Respondent thisday of Two thousand and....

(Signed)

Writ and Rule Nisi

Writ Petition No.....

FORM No.8

WRIT OF CERTIORARI-ORDER ABSOLUTE

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

..... the day of Two Thousand and.....

PRESENT

The Honourable Mr. Justice

Writ Petition No..... of 20....

Petitioner

and

Respondent

This petition coming on this..... the..... day of 20... for further consideration in the presence of and upon perusing the records in and comprised in the return and upon hearing the argument of for..... IT IS ORDERED as follows:-

(1)

(2)

Witness the Honourable Mr....., Chief Justice of the High Court of Judicature at Madras, this the day of, in the year Two thousand and

Assistant Registrar

FORM No.9

WRIT OF PROHIBITION

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

..... the day of Two thousand and

PRESENT

The Honourable Mr. Justice

Writ Petition No. of 20...

Between

Petitioner

and

Respondent

Whereas by a petition filed in this Court by the aforesaid petitioner, it has been brought to the notice of this Court that you, the respondent aforesaid, have taken on your file (here describe the proceeding), whereas, this Court is of opinion that you, the respondent aforesaid, have no jurisdiction to hear and determine the said by reason that (state facts showing want of jurisdiction).

You are hereby prohibited from further proceeding with the said proceeding.

Witness the Honourable Mr....., Chief Justice of the High Court of Judicature at Madras, this the day of in the year Two thousand and....

Assistant Registrar

FORM No.10

ORDER ON PETITION FOR *QUO WARRANTO*

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

..... the day of, Two thousand and

PRESENT

The Honourable Mr. Justice

Writ Petition No..... of 20...

Between

Petitioner

and

Respondent

Petition praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue a Writ of *quo warranto* directing the respondent above named, requiring him to show cause, by what authority he claims to have, use, enjoy and perform the rights, duties, privileges of the office of.....

The petition coming on for order/hearing this day, upon reading the petition, etc., upon hearing Mr. Advocate for the petitioner and the said respondent appearing by Mr. and entering a disclaimer to the *quo warranto*, this Court doth order and direct that the said the respondent herein do not intermeddle in any manner with the said office and this Court doth further order and declare that the said office is vacant.

Witness the Honourable Mr....., Chief Justice of the High Court of Judicature at Madras, this the.....day of in the year Two thousand and....

Assistant Registrar

Form No.11

WRIT OF *MANDAMUS*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

..... the day of Two Thousand and.....

PRESENT

The Honourable Mr. Justice

Writ Petition No. of 20....

Between

Petitioner

and

Respondent

Whereas by section (State provision of Law on which the Act required to be done is founded) you are required to (Specify the act to be done) and whereas it has been represented to the Court that, contrary to the requirements of the Act, you failed, neglected and refused, to (State act refused) inspite of demands made in that behalf. You are hereby directed to do..... (Specify the act) on or before.....

Witness the Honourable Mr., Chief Justice of the High Court of Judicature at Madras, this the day of, in the year Two thousand and

Assistant Registrar

Form No.12

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

..... the day of Two Thousand and

The Honourable Mr. Justice

Writ Petition No..... of 20....

Between

Petitioner

and

Respondent

NOTICE

Whereas Writ Petition No..... of 20.... has been filed in the High Court of Madras praying..... (here set out the relief prayed for) and impleading..... in a representative capacity and whereas in terms of Rule 16 of the Madras High Court Writ Rules, 2021, framed by the High Court to regulate proceedings under Article 226 of the Constitution of India, any person who considers, himself likely to be affected in the event of the Writ Petition being allowed may apply to the Court to be heard in opposition to the Writ Petition.

Notice is hereby given that any person to be heard at the hearing of the Writ Petition, may do so by entering appearance on or before.....and appearing in person or through counsel at the hearing on at 10.30 a.m. before the Court.

(Sd/-)

Advocate for Petitioner.

FORM No.13

NOTICE OF APPEARANCE BY RESPONDENT
 IN THE HIGH COURT OF JUDICATURE AT MADRAS
 (SPECIAL ORIGINAL JURISDICTION)

Writ Petition No..... of 20....

Between

AB

.. Petitioner

and

CD

.. Respondent

Take notice that, I have this day....., entered an appearance before the High Court, Madras for CD/EF the respondent(s) in this Writ Petition who was/were served on the day of.... 20.... and that the address for service of the said Advocate(s) is, Chamber, High Court, Madras, in this day of 20.... and CD is No.....

Dated

(Sd.).....

Respondent or his Advocate

Form No.14

MEMORANDUM OF CAVEAT PETITION
 (Under Rule 28 of Madras High Court Writ Rules, 2021)
 IN THE HIGH COURT OF JUDICATURE AT MADRAS

Caveat Petition No..... of 20....

in

W.P. No..... of 20....

A.....

Caveator/s

vs

B.....

Expected Petitioner/s

The Caveator states as follows:

1. The Caveator is
The address of the Caveator for service with Mobile number
2. The Expected Petitioner is
The address of Expected Petitioner for service of caveat is
3. A concise statement of the expected proceedings and / or the impugned order.
4. Let nothing be done in the matter without notice to the Caveator.

(Sd.)

Caveator

(Sd.).....

Advocate for the Caveator.

High Court, Madras,
17th June 2021.

P. DHANABAL,
Registrar General.