**HC Writ Against Tribunal Order**

IN THE HON'BLE HIGH COURT OF TN AT CHENNAI

CWP No.: \_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

List of Events

Dates\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

Events \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_

Chennai

Petitioner

\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CWP No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR APPROPRIATE WRIT, ORDER OR DIRECTIONS

Chennai

Petitioner

\_\_\_\_\_\_\_\_\_\_\_\_

Through, Advocate Respectfully Sheweth;

1. That your Lordship's humble petitioner is a citizen of India and on the grounds hereinafter mentioned

is entitled to file and maintain the present writ petition before this Hon'ble Court.

2. \_\_\_\_\_\_\_

**GROUNDS**

3. That the petitioner is invoking the extra-ordinary jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst other each one of which is without prejudice to and independent of other :-

(a) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(b) That the Tribunal has mis-appreciated the evidence on record and mis-applied the provisions of law.

(c) That a breach of the rules of natural justice has occurred in connection with the making of the decision by the Hon'ble Tribunal below.

(d) That procedures that were required to be observed in connection with the making of the decision were not observed.

(e) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the Tribunal did not have jurisdiction to make the decision.

(f) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the decision was not a authorised by the enactment in pursuance of which it was purported to be made.

(g) That the making of decision was on improper exercise of the powers conferred by the enactment in pursuance of which it was purported to be made.

(h) That decision incurred an error of law whether or not the error appear on the record of decision.

(i) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ That the decision was induced or affected by fraud;

(j) That there was no evidence or other material to justify the making of the decision.

(k) That the decision was otherwise contrary to law.

(l) Taking an irrelevant consideration into account in the exercise of power.

(m) That the Tribunal below has Failed to take relevant consideration into account in the exercise of a power.

(n) That \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of powers for a purpose other than a purpose for which the powers is conferred.

(o) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of discretionary powers in bad faith.

(p) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of a personal discretionary powers at the discretion or behest of another person.

(q) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ an exercise of a discretionary powers in accordance with a rule or policy without regard to the merits of the particulars case.

(r) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ An exercise of powers that is unreasonable that no reasonable person could have so exercised the powers.

(s) \_\_\_\_\_\_ an exercise of a power in such a way that the result of the exercise of the powers is uncertain.

(t) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ any other exercise of a power in a way that \_\_\_­­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ abuse of powers.

(u) \_\_­­­­­­­­­­­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_ the person who made the decision was required by law to reach that decision only if a particular matter was established and there was no evidence or other material [including facts of which he was entitled to take notice] from which he could reasonably be satisfied that the matter was established or

(v) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the person who made the decision based on the existence of particular fact and that fact did not exist.

(w) That the order of the Hon'ble Tribunal below is against the well-settled principles of law laid down by the Hon'ble Apex court and this Hon'ble Court in catena of cases.

3. That the petitioner has no other speedy and efficacious remedy available except to approach this Hon'ble court by way of the present writ petition.

4. That the petitioner has not filed any other writ petition on same or similar grounds either before this Hon'ble court or before the Supreme Court of India.

5. That the petitioner, therefore, prays that an appropriate writ, order or directions be issued for the following reliefs :-

(a) Quash the impugned order \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

(b) Direct the respondents\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

(c) Call for the record from the Hon'ble Tribunal below for perusal by this Hon'ble court and setting aside the impugned order of the Hon'ble Tribunal below \_\_;

(d) Direct the respondents to produce all the relevant records along with reply for perusal by this Hon'ble court;

(e) Allow the cost of this writ petition to the petitioner, and;

(f) Allow such other relief or pass such other orders as deemed fit and proper in the facts and circumstances of the case in favour of the petitioner and justice be done.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE PETITIONER AS IN DUTY BOUND, SHALL EVER PRAY.

Chennai

Petitioner

\_\_\_\_\_\_\_

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

WP No.:\_\_\_\_\_\_\_ of 2004

Petitioner

Versus

Respondents

Affidavit in support of the Civil Writ Petition under Articles 226/227 of the Constitution of India.

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :

1. That the accompanying writ petition has been prepared under my instructions.

2. That the contents of paras 1 to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the accompanying writ petition are correct and

true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and no part of it is false

and nothing material has been concealed therein.

Affirmed at Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicants

Versus

Respondents/Non-Applicants

Application Under Rule 2 of the Writ Rules for dispensing with Seven days notice of motion

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the matter is of urgent nature and dispensing with of seven days notice is essential in the interest of justice.

3. It is, therefore, prayed that this application may be allowed and seven days notice of motion dispensed with and writ petition be listed immediately.

Chennai

Petitioner/Applicant

\_\_\_\_\_\_

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Rule 2 of the Writ Rules

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :-

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to 3 of the accompanying application are correct and true to the best of

my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and no part of it is false

and nothing material has been concealed therein.

Affirmed at Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.: \_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicant

Application Under Section 151 of CPC for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respectfully Sheweth:

1. That the petitioner/applicant has filed the above mentioned writ petition in this Hon'ble court.

2. That on perusal of the allegations made in the writ petition and the documents attached therewith it is evident that the petitioner/applicants have prima facie a very good case in their favour and the writ petition is likely to succeed. The Balance of Convenience is in favour of the petitioners/applicants.

3. That the interest of justice demands that during the pendency of the writ petition \_\_\_\_\_

4. It is, therefore, prayed that this application may be allowed and \_\_\_\_\_\_\_ in the interest of justice. Such other orders may also be passed in favour of the petitioners as deemed fit and proper by this Hon'ble court in the facts and circumstances of the case.

Chennai

Petitioner/Applicant

\_\_\_\_\_\_

Through, Advocate

**IN THE HON'BLE HIGH COURT OF TN AT CHENNAI**

CMP No.:\_\_\_\_\_\_ of 2004 in CWP No.:\_\_\_\_\_\_ of 2004

Petitioner/Applicant

Versus

Respondents/Non-Applicants

Affidavit in support of the application under Section 151 of CPC.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :-

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to 4 of the accompanying application are correct and true to the best of

my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and no part of it is false

and nothing material has been concealed therein.

Affirmed at Chennai this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Deponent

**Under Order 7 Rule 13 [1] C.P.C.**

List of Documents Filed By Plaintiff/Defendant

In The Court of :Hon'ble High Court of TN at Chennai

Versus

Date of Hearing: \_\_\_\_\_\_\_ Suit For : CWP \_\_\_\_\_\_\_

Date of Production :\_\_\_\_\_\_\_

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Date: \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Counsel for Plaintiff/Defendant