



C.M.P. Nos.20834, 20837 and 20838 of 2021  
in

W.A.SR.Nos. 108791, 108790 and 108782 of 2021

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**PARESH UPADHYAY, J.**  
**And**  
**SATHI KUMAR SUKUMARA KURUP, J.**

(Order of the Court was made by PARESH UPADHYAY, J.)

The petitioners - All India Anna Dravida Munnetra Kazhagam (AIADMK) and C.Ve. Shanmugam, seek leave of this Court to file appeals against the common judgement and order dated 24 November 2021 recorded on W.P.Nos.9285 and 10135 of 2020 and 1708 of 2021.

2. Mr.A.L.Somayaji, learned senior advocate for the petitioners has addressed the Court to point out what is the locus of the present petitioners and how they are interested qua the subject matter.

3. Learned advocates for the original writ petitioners, who are on caveat are also permitted to address the Court, though grant or refusal to grant leave to file appeal is essentially between the petitioners and the Court. Learned advocates for the original writ petitioners have vehemently opposed these petitions contending that the petitioners can neither be said to be aggrieved party nor person



interested in the subject matter.

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4. Having heard learned advocates for the respective parties and having considered the material on record, this Court finds that AIADMK does have locus to address the Court on the subject matter concerning memorial of Late Selvi J.Jayalalitha. Leave as prayed for, therefore needs to be granted.

5. While allowing these petitions, it also needs to be noted that the petitioners can not be heard to say that they were not aware of the proceedings before learned Single Judge. The circumstances for not approaching this Court at the relevant time, and approaching this Court now, both are also the factors which may also be gone into, if required, while hearing the appeals. Reference in this regard also needs to be made to specific observation of learned Single Judge in para 3 of the judgment sought to be appealed against, with regard to 'the defense-strategy of the respondents'.

6. Though leave as prayed for is being granted by this Court in the circumstances noted above, the appellants would not be permitted to delay the proceedings on the ground of non-availability of the documents with them, which were on record of the proceedings, on



which the impugned order is passed.

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7. With above observations and clarifications, these petitions are allowed.

(P.U.J.) (S.S.K.J.)  
15.12.2021

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**Note:** Registry is directed to number the appeals and list the same on 20.12.2021.

**PARESH UPADHYAY, J.**



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