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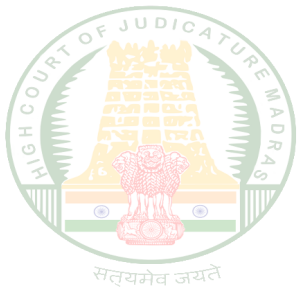
**H.C.P.No. 1021 of 2023**

**C.V.KARTHIKEYAN., J.**

This matter had been listed before me on the directions of the Hon'ble Chief Justice to examine the Judgment delivered on 04.07.2023 by a Division Bench of this Court. Quite unfortunately, the learned Judges had expressed differing view.

2. Clause 36 of the Letters Patent stipulates that the points of difference should be reduced in writing. But a perusal of the Judgment shows that there is no such reduction of the points.

3. I would place reliance on the Judgment reported in *(2007) 2 MLJ 129 [ All India Anna Dravida Munnertra Kazhagam Vs. State Election Commissioner]*, more particularly to paragraph No. 182, wherein it had been made observed that if those points had not been culled out by the learned Judges, then the third Judge so appointed by the Chief Justice may cull out such points of difference.



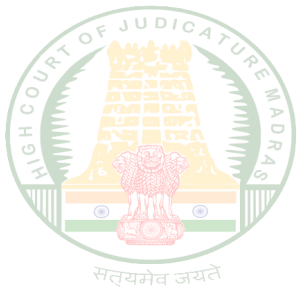
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4. Before taking that step, I would like to present both sides with an opportunity to address the Court on this aspect.

5. The learned Solicitor General appears through video conference and stated that a tabular column reducing the points of difference had actually been prepared. It would be much helpful if it is presented before the Court and also circulated to the learned counsel on record for the petitioner, who may instruct the learned Senior Counsels on behalf of the petitioner.

6. This exercise may be done and to move further to with frame of points of difference, list the matter again on 07.07.2023 at 02.15 p.m.

7. A suggestion been put forth to the learned Solicitor General and the learned Senior Counsels to argue the matter on 08.07.2023 / Saturday. They may indicate their readiness to argue on that particular date and if they do so, a formal request would be placed before the



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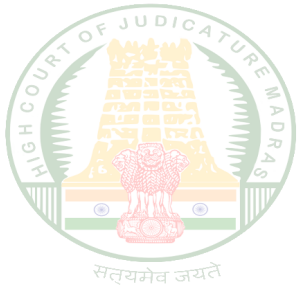
Hon'ble Chief Justice seeking permission to hear the matter on 08.07.2023/ Saturday in open Court.

8. The learned Solicitor General expressed his willingness to argue the matter on 08.07.2023. Learned Senior counsel for the petitioner stated that he would inform the Court on 07.07.2023 on this aspect.

9. The learned counsel on record for the respondents may make available and all the relevant records to be produced by a responsible officer on Saturday or whenever the actual hearing is held.

Vsg

06.07.2023



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**C.V.KARTHIKEYAN., J.**

**vsg**

**H.C.P.No. 1021 of 2023**

**06/07/2023**