

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.Nos.23096 to 23099, 23081, 25938, 13308 of 2014;
17792, 17793, 20795, 20796 and 20837 of 2013

W.P.No.23096 to 23099, 23081 of 2014:

Vijaykant,
Founder President,
DMDK (Desiya Murpokku Dravida Kazhagam),
No.10/12-A, Kannammal street,
Saligramam, Kannabiran Colony,
Chennai. ...Petitioner in W.P.23096/2014

Premalatha Vijaykant ...Petitioner in W.P.23097/2014
B.Parthasarathy,
Party Chief Secretary,
DMDK (Desiya Murpokku Dravida Kazhagam),
50, Egmore High Road,
Egmore,
Chennai. ...Petitioner in W.P.23098/2014

L.Venkatesan,
Villupuram District Secretary,
DMDK (Desiya Murpokku Dravida Kazhagam),
M.R.K.Street,
V.Marudhur,
Villupuram. ...Petitioner in W.P.No.23099, 23081/2014

-vs-

1. Union of India,
rep. by its Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan,
New Delhi.
2. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public (Law and Order-H),
Fort St. George,
Chennai-600 009.

3. The Public Prosecutor,
District and Sessions Judge Court,
Villupuram.

...Respondents in
W.P.Nos.23096 to 23099, 23081/2014

W.P.No.25938 of 2014:

S.R.Parthiban,
Member of Legislative Assembly,
Mettur Constituency &
Salem District Secretary (West),
DMDK (Desiya Murpokku Dravida Kazhagam),
2/133, Gayathiri Nagar,
Behind M.D.S. Nagar Main Road,
Hasthampatti,
Salem-7.

...Petitioner

-vs-

1. Union of India,
rep. by its Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan,
New Delhi.

2. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public (Law and Order-H),
Fort St. George,
Chennai-600 009.

3. The District Public Prosecutor,
Salem District, Salem.

...Respondents

W.P.No.13308 of 2014:

Vijaykant,
Founder President,
DMDK (Desiya Murpokku Dravida Kazhagam),
No.10/12-A, Kannammal street,
Saligramam, Kannabiran Colony,
Chennai.

...Petitioner

-vs-

1. Union of India,
rep. by its Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan,
New Delhi.
2. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public (Law and Order-H),
Fort St. George,
Chennai-600 009.
3. The Public Prosecutor,
Principal District and Sessions Judge Court,
Namakkal.

...Respondents

W.P.Nos.17792 & 17793 of 2013:

Vijaykant,
Founder President,
DMDK (Desiya Murpokku Dravida Kazhagam),
No.10/12-A, Kannammal street,
Saligramam, Kannabiran Colony,
Chennai.

...Petitioner in W.P.17792/2013

Sri Premalatha Vijaykant,
State Secretary to Women Wing,
DMDK (Desiya Murpokku Dravida Kazhagam),
No.10/12-A, Kannammal Street,
Saligramam, Kannabiran Colony,
Chennai-600 093.

...Petitioner in W.P.17793/2013

-vs-

1. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public (Law and Order-H),
Fort St. George,
Chennai-600 009.
2. The Public Prosecutor,
District and Sessions Judge Court,
Tirupur.

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3. Union of India,
rep. by its Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan,
New Delhi. ...Respondents in W.P.Nos.17792 & 17793/2013
(3rd respondent impleaded as per
order dt. 08.7.2013 in W.P.
Nos.17792 and 17793 of 2013)

W.P.No.20795 of 2013:

Vijaykant,
Founder President,
DMDK (Desiya Murpokku Dravida Kazhagam),
No.10/12-A, Kannammal street,
Saligramam, Kannabiran Colony,
Chennai.

...Petitioner

-vs-

1. Union of India,
rep. by its Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan,
New Delhi.
2. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public (Law and Order-H) Department,
Fort St. George,
Chennai-600 009.
3. The Public Prosecutor,
District and Sessions Judge Court,
Sivagangai.

...Respondents

W.P.No.20796 of 2013:

Vijaykant,
Founder President,
DMDK (Desiya Murpokku Dravida Kazhagam),
No.10/12-A, Kannammal street,
Saligramam, Kannabiran Colony,
Chennai.

...Petitioner

-vs-

1. Union of India,
rep. by its Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan,
New Delhi.
2. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public (Law and Order-H) Department,
Fort St. George,
Chennai-600 009.
3. The Public Prosecutor,
District and Sessions Judge Court,
Thirunelveli.

...Respondents

W.P.No.20837 of 2013:

Vijaykant,
Founder President,
DMDK (Desiya Murpokku Dravida Kazhagam),
No.10/12-A, Kannammal street,
Saligramam, Kannabiran Colony,
Chennai.

...Petitioner

-vs-

1. Union of India,
rep. by its Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan,
New Delhi.
2. State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Public (Law and Order-H) Department,
Fort St. George,
Chennai-600 009.
3. The Public Prosecutor,
District and Sessions Judge Court,
Thiruvallur.

सत्यमेव जयते
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4. The Public Prosecutor,
District and Sessions Judge Court,
Chennai.
5. The Public Prosecutor,
District and Sessions Judge Court,
Nilgiri at Uhagamandalam.
6. The Public Prosecutor,
District and Sessions Judge Court,
Tiruppur.
7. The Public Prosecutor,
District and Sessions Judge Court,
Kanyakumari District at Nagercoil.
8. The Public Prosecutor,
District and Sessions Judge Court,
Tiruvannamalai.
9. The Public Prosecutor,
District and Sessions Judge Court,
Villupuram.
10. The Public Prosecutor,
District and Sessions Judge Court,
Dindigul.
11. The Public Prosecutor,
District and Sessions Judge Court,
Thanjavur.
(Respondents 4 to 11 impleaded as per
order dt.11.11.2013 in M.P.Nos.3&4 of 2013
in W.P.No. 20837 of 2013)

...Respondents

W.P.No.23096 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.468 (Public Law and Order - H) Department dated 16.06.2014 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Villupuram in C.C.No.1 of 2014 is illegal and unconstitutional.

W.P.No.23097 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.468 (Public Law and Order - H) Department dated 16.06.2014 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Villupuram in C.C.No.2 of 2014 is illegal and unconstitutional.

W.P.No.23098 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.468 (Public Law and Order - H) Department dated 16.06.2014 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Villupuram in C.C.No.4 of 2014 is illegal and unconstitutional.

W.P.No.23099 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.639 (Public Law and Order - H) Department dated 03.07.2013 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Villupuram in C.C.No.1 of 2013 is illegal and unconstitutional.

W.P.No.23081 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.468 (Public Law and Order - H) Department dated 16.06.2014 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Villupuram in

C.C.No.3 of 2014 is illegal and unconstitutional.

W.P.No.25938 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.467 (Public Law and Order - H) Department dated 16.06.2014 of the 2nd respondent and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Salem in C.C.No.2 of 2014 is illegal and unconstitutional.

W.P.No.13308 of 2014 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.947 (Public Law and Order - H) Department dated 01.11.2012 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Namakkal in C.C.No.2 of 2012 is illegal and unconstitutional.

W.P.No.17792 of 2013 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.504 (Public Law and Order - H) Department dated 25.05.2013 and cognizance of the offence against the petitioner on the complaint of the 2nd respondent in the Court of Principal District and Session Judge, Tiruppur in C.C.No.3 of 2013 is illegal and unconstitutional.

W.P.No.17793 of 2013 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.504 (Public Law and Order - H) Department dated 25.05.2013 and cognizance of the offence against the petitioner on the complaint of the 2nd respondent

in the Court of Principal District and Session Judge, Tiruppur in C.C.No.3 of 2013 is illegal and unconstitutional.

W.P.No.20795 of 2013 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.98/2013 (Public Law and Order - H) Department dated 28.01.2013 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Sivagangai in Spl.C.C.No.2 of 2013 is illegal and unconstitutional.

W.P.No.20796 of 2013 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.1071 (Public Law and Order - H) Department dated 24.12.2012 and cognizance of the offence against the petitioner on the complaint of the 3rd respondent in the Court of Principal District and Session Judge, Tirunelveli in C.C.No.1 of 2013 is illegal and unconstitutional.

W.P.No.20837 of 2013 filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring the provisions of Section 199(2) and (4) of the Code of Criminal Procedure, 1973 is illegal and ultra virus to Article 14, 19 and 361 of the Constitution of India and inconsistent with Section 499 of the Indian Penal Code read with Section 199(1) of the Criminal Procedure Code, 1973, consequently declare the G.O.Ms.No.28 (Public Law and Order - H) Department dated 10.01.2013; G.O.Ms.No.1041 (Public Law and Order - H) Department dated 11.12.2012; G.O.Ms.No.946 (Public Law and Order - H) Department dated 01.11.2012; G.O.Ms.No.09 (Public Law and Order - H) Department dated 07.01.2013; G.O.Ms.No.10 (Public Law Order - H) Department dated 07.01.2013; G.O.Ms.No.1089 (Public Law and Order - H) Department dated 31.12.2012; G.O.Ms.No.1028 (Public Law and Order - H) Department dated 06.12.2012; G.O.Ms.No.1027 (Public Law and Order - H) Department dated 06.12.2012; G.O.Ms.No.974 (Public Law and Order - H) Department dated 16.11.2012 and consequential C.C.No.1 of 2013 on the file of Principal District and Sessions Judge, Villupuram; C.C.No.5 of 2013 on the file of the Principal District and Sessions Judge, Chennai; C.C.No.1 of 2012 on the file of the Principal District and Sessions

Judge, Nilagiri at Udhagamandalam; C.C.No.1 of 2013 on the file of the Principal District and Sessions Judge, Tiruppur; C.C.No.1 of 2013 on the file of the Principal District and Sessions Judge, Kanyakumari District at Nagercoil; S.C.No.17 of 2013 on the file of the Principal District and Sessions Judge, Tiruvannamalai; C.C.No.1 of 2012 on the file of the Principal District and Sessions Judge, Villupuram; C.C.No.1 of 2012 on the file of the Principal District and Sessions Judge, Dindigul; C.C.No.1 of 2012 on the file of the Principal District and Sessions Judge, Thanjavur as illegal and unconstitutional. (Prayer amended as per order dt. 11.11.2013 in M.P.Nos.3&4 of 2013 in W.P.No. 20837 of 2013)

For Petitioner in all W.Ps., except W.P.25938/2014 : Mr.V.T.Balaji
For Petitioner in W.P.25938/2014 : Mr.A.Easakkiappan

For Respondent No.1 in W.P.Nos. 23096 to 23099, 23081, 25938, 13308/2014; 20795; 20796 & 20837/2013 : Mr.B.Rabu Manohar
Respondent No.3 in W.P.Nos.17792 & 17793 of 2013 SCGPC

For Respondent Nos.2 & 3 in W.P.Nos. 23096 to 23099, 23081, 25938, 13308/2014; 20795; 20796 of 2013 & Respondent Nos.1 & 2 in W.P.Nos.17792 & 17793 of 2013 and Respondent Nos. 2 to 11 in W.P.No.20837 of 2013 : Mr.STS.Moorthy
Government Pleader assisted by Mr.V.Shanmuga Sundar Government Advocate

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

It is stated by the learned counsel for parties that the Hon'ble Supreme Court has commenced the hearing on the main matters where all parties were heard, though no formal order has been passed in the Transfer Petitions.

2. It is, thus, agreed that the writ petitions be withdrawn and the parties be covered by the final decision to be rendered in the matters heard by the Hon'ble Supreme Court. Ordered accordingly.

3. The interim orders made absolute on 09.12.2014 would continue to enure for the benefit of the petitioners till such time a final view is taken by the Hon'ble Supreme Court and thereafter, it would depend on the view of the Hon'ble Supreme Court.

4. The writ petitions, accordingly, stand disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Ministry of Law and Justice,
Shastri Bhavan, New Delhi.
2. The Principal Secretary to Government,
Public (Law and Order-H) Department,
Fort St. George, Chennai-600 009.
3. The Public Prosecutor,
District and Sessions Judge Court,
Thiruvallur.
4. The Public Prosecutor,
District and Sessions Judge Court,
Chennai.
5. The Public Prosecutor,
District and Sessions Judge Court,
Nilgiri at Uhagamandalam.
6. The Public Prosecutor,
District and Sessions Judge Court,
Tiruppur.

7. The Public Prosecutor,
District and Sessions Judge Court,
Kanyakumari District at Nagercoil.
8. The Public Prosecutor,
District and Sessions Judge Court,
Tiruvannamalai.
9. The Public Prosecutor,
District and Sessions Judge Court,
Villupuram.
10. The Public Prosecutor,
District and Sessions Judge Court,
Dindigul.
11. The Public Prosecutor,
District and Sessions Judge Court,
Thanjavur.
12. The District Public Prosecutor,
Salem District, Salem.
13. The Public Prosecutor,
Principal District and Session Judge Court,
Namakkal.
14. The Public Prosecutor,
District and Session Judge Court,
Sivagangai.
15. The Public Prosecutor,
District and Sessions Judge Court,
Thirunelveli.

1 CC to Mr.A.Esakkiappan, Advocate SR.No. 40872

1 CC to Mr.B.Rabu Manohar, Advocate SR.No. 40786

1 CC to the Government Pleader, SR.No. 40822

W.P.Nos.23096 to 23099, 23081,
25938, 13308 of 2014; 17792,
17793, 20795, 20796 & 20837 of 2013

GR (CO)
PSI (01.09.2015)