



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.7851 of 2016

and

W.M.P(MD)Nos.6462 and 6463 of 2016

N.Jamburajan

... Petitioner

vs.

- 1)The Director General of Police,
Central Reserve Police Force,
CGO Complex, Lodhi Road,
New Delhi-110 011.
- 2)The Additional Director General of Police,
Central Reserve Police Force, South Zone,
Keshogiri, Chandrayan gutta,
Hyderabad, Telengana-500 005.
- 3)The Inspector General of Police,
Central Reserve Police Force, Southern Sector,
10-C, Jubilee Hills,
Gayathri Hillm, Hyderabad, Telengana-500 033.
- 4)The Deputy Inspector General of Police,
Central Reserve Police Force, Group Centre,
Yelahanka, Bangaluru,Karnataka-560 064.

... Respondents

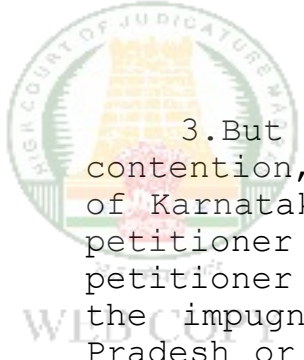
Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, by calling for the records of the 4th respondent in his Transfer order Letter No.T.IX-11/2016-EC.III dated April 2016 and quash the same as illegal.

For Petitioner : Mrs.M.Elizabeth Geetha
For Respondents : Mr.G.Rajaraman, CGSC

ORDER

N.Jamburajan, who is presently serving as Subedar Major in the office of the 4th respondent/Deputy Inspector General of Police, Central Reserve Police Force, Group Centre, Yelahanka, Bangaluru, Karnataka, has been transferred to Hyderabad in Telengana. Aggrieved by the impugned order of transfer passed by the 4th respondent, the petitioner has come to this Court without knowing that this Court has no territorial jurisdiction to entertain the present writ petition.

2.Learned counsel for the petitioner placing reliance on an order dated 29.04.2015 in W.P(MD)No.7239 of 2015 and another order dated 04.12.2015 in W.P.No.38364 of 2015, submitted that in similar circumstances, this Court has entertained the writ petitions.



3. But this Court is not inclined to accept the petitioner's contention, since the 4th respondent who is in Bengaluru in the State of Karnataka, has passed the impugned order of transfer posting the petitioner to join duty at Hyderabad in the State of Telengana, the petitioner has only two options either to move a petition against the impugned order of transfer before the High Court of Andhra Pradesh or before the High Court of Karnataka. However, citing his residential address at Madurai namely, 78C/4/47, Valliyammai Cross Street, Pasumpon Nagar, Madurai, Tamil Nadu, the petitioner cannot come to this Court. In this regard, it is relevant to consider a judgment of the Hon'ble Division Bench of this Court in **E. Mary Oliviya vs. E. Jsohua Milton**, reported in (2008) 7 MLJ 1012, wherein, the Division Bench has categorically held that mere residence of the petitioner cannot clothe the court with jurisdiction unless part of cause of action had arisen in the said place.

4. In the case on hand, not even a part of the cause of action has arisen in the State of Tamil Nadu, to approach this Court, as the petitioner who is presently serving as Subedar Major in the office of the 4th respondent/Deputy Inspector General of Police, Central Reserve Police Force, Group Centre, Yelahanka, Bengaluru, Karnataka, has been transferred to Hyderabad in Telengana, therefore, this Court has no territorial jurisdiction to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P (MD) Nos. 6462 and 6463 of 2016 are closed.

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1) The Director General of Police,
Central Reserve Police Force, CGO Complex, Lodhi Road,
New Delhi-110 011.
- 2) The Additional Director General of Police,
Central Reserve Police Force, South Zone,
Keshogiri, Chandrayan gutta, Hyderabad, Telengana-500 005.
- 3) The Inspector General of Police,
Central Reserve Police Force, Southern Sector,
10-C, Jubilee Hills, Gayathri Hillm, Hyderabad, Telengana-500 033.
- 4) The Deputy Inspector General of Police,
Central Reserve Police Force, Group Centre,
Yelahanka, Bengaluru, Karnataka-560 064.

+1cc to M/S.M. Elizabeth Geetha Advocate SR NO: 28672

JA-KBM/SAR.I/14.6.2016/2P-6C