

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.8012 of 2017 &

W.M.P.No.8757 of 2017

M/s.VRV Asia Pacific Pvt. Ltd.
Rep. by its Company Secretary
Mr.Ajithkumar
No.220, Italia Lane
Sri City DTZ
Varadalahpalem Mandal
Near Tada, Chittoor District

... Petitioner

v.

- 1 Union of India
Rep. by its General Manager
Reserve Bank of India
Fort Glacis
No.16 Rajaji Salai
Chennai-600 001.
- 2 Union of India
Rep. by its Secretary to Government of India
Ministry of Law and Justice
New Delhi
- 3 The State of Andhra Pradesh
Rep. by its Inspector of Police
Varadlahpalem Police Station

Chittoor District
A.P.State

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records relating to the proceedings of the 1st respondent dated 8.3.2017 made in CY (Admn) 5181/01.01.039/ 2016-2017, quash the same and consequently direct the 1st respondent to accept the Specified Bank Notes of the denomination Rs.1000x400 and Rs.500x400= Rs.6,00,000/- received by the petitioner under orders of the Court of Judicial Magistrate I, Sathyavedu, Ordered on 27.12.2016 in Crl. M.P.No.1933 of 2016 in Cr. No.59/2016 on the file of the 3rd respondent.

For Petitioner : Mr.C.Srinivasan

ORDER

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus, to call for the records relating to the proceedings of the 1st respondent dated 8.3.2017, to quash the same and consequently direct the 1st respondent to accept the denomination of Rs.1000x400 and Rs.500x400 = Rs.6,00,000/- received by the petitioner under the orders of the Court of Judicial Magistrate I,

Sathyavedu, Ordered on 27.12.2016 in CrI. M.P.No.1933 of 2016 in Crime No.59/2016 on the file of the 3rd respondent.

2 The learned counsel for the petitioner submitted that by order dated 27.12.2016, the Judicial Magistrate I, Sathyavedu, had returned a sum of Rs.6,00,000/- by way of old notes in the following denominations, viz.,

Rs.1000x400	= Rs.4,00,000/-
Rs. 500x400	= Rs.2,00,000/-

Total	= Rs.6,00,000/-

3. Heard the learned counsel for the petitioner.

4.1 When the currency notes of Rs.500/- and Rs.1000/- existing prior to 08.11.2016, were demonetized and the public were permitted to exchange their old notes till 31.12.2016, challenging the demonetization policy, writ petitions were filed before the Hon'ble Supreme Court of India.

4.2 The Apex court in Writ Petitions in W.P.(Civil)No.906 of 2016 etc., batch, by order dated 16.12.2016, viewing that the matters be placed before the larger bench of 5 judges for an authoritative pronouncement and that it would be just and proper to withdraw all the writ petitions/proceedings pending in different High Courts across the Country and to be heard by the Apex Court along with the writ petitions, which are already pending before that court raising same or similar issues, to avoid multiplicity of hearing and conflicting decision on the same subject matters, held that no other Court shall entertain, hear or decide any writ petition/proceedings on the issue. In other words, the Apex court was of the view that all the writ petitions challenging the demonetization should be filed only before the Hon'ble Supreme Court and the High Courts should not entertain the same. The relevant portion of the order reads as follows:-

".... In our opinion, besides the observations made hitherto, no other direction can be given at this stage by way of an interim relief.

That takes us to the Transfer Petitions filed by the Union of India for withdrawing all writ

petitions/proceedings pending in the various High Courts across the country and to hear those cases along with the Writ Petitions pending in this Court. In our opinion, it would be just and proper to withdraw all the Writ Petitions/Proceedings pending in different High Courts across the country and to be heard by this Court along with the Writ Petitions which are already pending in this Court raising same or similar issues, to avoid multiplicity of hearing and conflicting decisions on the same subject matter. Accordingly, we issue notice in the respective Transfer Petitions and by way of interim direction, stay the further proceedings of the Writ Petitions/proceedings in the concerned High Court.

We further direct that if any other Writ Petitions/proceedings are pending in any High Court, further hearing of those matters shall also remain stayed in terms of this order.

We further direct that no other Court shall entertain, hear or decide any Writ Petition/proceedings on the issue or in relation to or arising from the decision of the Government of India to demonetize the old notes of Rs.500/- and Rs.1,000/-, as the entire issue in relation thereto is pending consideration before this Court in the

present proceedings."

5. In view of the order referred to above passed by the Hon'ble Supreme Court, I am of the view that the petitioner should only approach the Hon'ble Supreme Court, seeking for the relief sought for in the writ petition.

6. In these circumstances, the writ petition is dismissed and it is open to the petitioner to approach the Hon'ble Supreme Court of India seeking for the relief sought for in the writ petition. No costs. Consequently, connected miscellaneous petition is closed.

Index : No

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Rj

To

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M.DURAI SWAMY, J.

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