

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.12.2017
CORAM
The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.30140 of 2017
and W.M.P.No.32747 of 2017

A.P.Gowdhama Sidharthan

.. Petitioner-in
Person

vs.

- 1.The Secretary to Government,
Office of the President of India,
Rashtrapathi Bhavan,
New Delhi - 110 004.
- 2.The Secretary to Government,
Department of Law and Justice,
Government of India,
Sastri Bhavan,
New Delhi - 110 001.
- 3.The Secretary General,
National Commission for Human Rights,
Manav Adhikar Bhavan, INA,
New Delhi - 110 023.
- 4.The Secretary,
National Commission for Scheduled Castes,
Lok Nayak Bhavan,
New Delhi - 110 003.
- 5.The Secretary to Government,
Union Ministry of Social Justice and Empowerment,
Shastri Bhavan,
New Delhi - 110 001.
- 6.The Superintendent,
Presidency Jail,
Alipore,
Calcutta.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to consider the representation dated 1.9.2017 seeking to take necessary steps for the immediate release of Mr.Justice C.S.Karnan from the Presidency Jail, Alipore, Calcutta.

For Petitioner : Mr.A.P.Gowdhama Sidharthan
Petitioner-in-person

ORDER

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

The petitioner is apparently the Managing Director of Dr.Ambedkar Educational Foundation having its address at Shiva Camp, Vasant Vihar, New Delhi-110 057, a social activist and the founder convener of a social organization called Social Justice Federation of India, having its office at Chennai.

2. The petitioner claims to have filed this public interest litigation for and on behalf of the enlightened people in general and dalits in particular, seeking orders in the nature of a writ of mandamus directing the first respondent i.e., the Secretary to the Government, Office of the President of India, Rashtrapathi Bhavan, New Delhi - 110 004, to consider his representation dated 1st September 2017 and take necessary steps for the immediate release of Justice C.S.Karnan from the Presidency Jail, Alipore, Calcutta.

3. On a cursory glance of the writ petition, we do not find any reference to the circumstances, which led to the incarceration of Justice C.S.Karnan. However, since this is a public interest litigation, we may rely upon the news reports published from time to time, which reveal that the incarceration was pursuant to the orders of the Hon'ble Supreme Court in contempt proceedings. Justice C.S.Karnan, who had been a Judge of this Court had been transferred to the High Court at Calcutta and at the time of his arrest, he was no longer a Judge of this High Court. There is not a whisper in the writ petition as to how this Court has territorial jurisdiction to entertain the writ petition.

4. All the respondents, except respondent No.6 are located in New Delhi. Respondent No.6 is in Calcutta, within the jurisdiction of the Calcutta High Court. No part of cause of

action has arisen within the jurisdiction of Madras High Court. Madras High Court lacks territorial jurisdiction to entertain this writ petition. The writ petition is, therefore, not entertained. No costs. Consequently, W.M.P.No.32747 of 2017 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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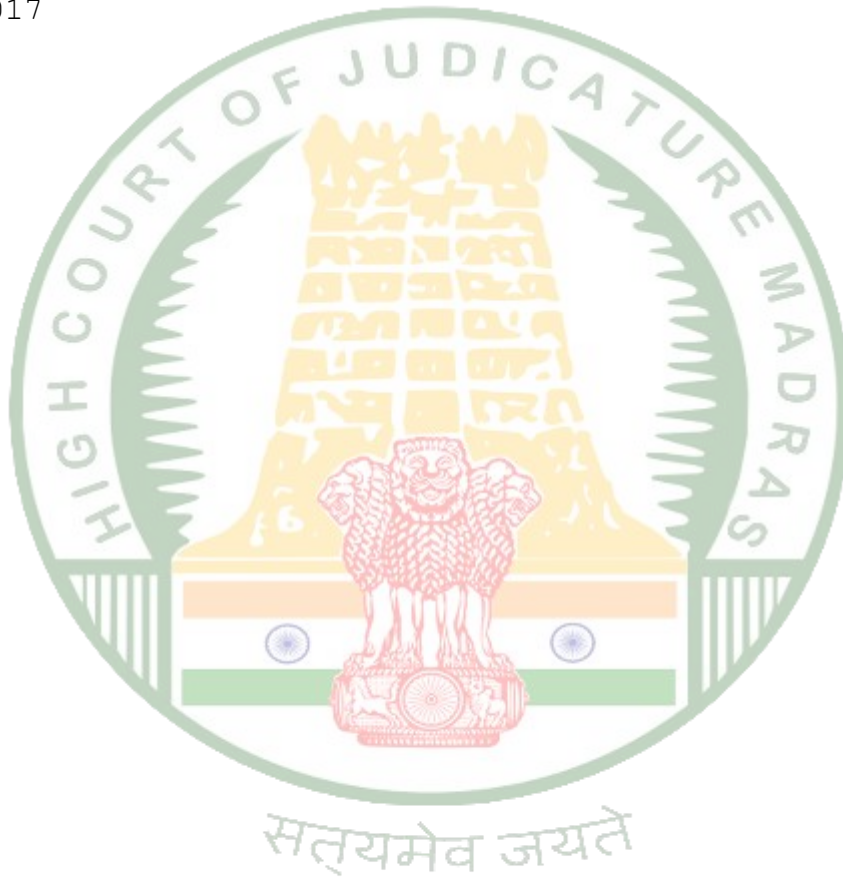
To:

- 1.The Secretary to Government,
Office of the President of India,
Rashtrapathi Bhavan,
New Delhi - 110 004.
- 2.The Secretary to Government,
Department of Law and Justice,
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