



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.04.2019
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.366 of 2019

and

W.M.P. (MD) No.308 of 2019

Sajini

.. Petitioner

/Vs/

- 1.The Sheristadar,
Principal District Court,
Kanyakumari at Nagercoil
District court Complex,
Court Road, Nagercoil.
Kanyakumari District.
- 2.The I Additional District court,
District Court Campus,
Tirunelveli.
- 3.The Principal District Court,
Kanyakumari at Nagercoil,
District Court Campus,
Court Road,
Nagercoil,
Kanyakumari District.
- 4.R.M.Rajan
- 5.Sharmila
- 6.Shylaja
- 7.Sudevkumar
- 8.Stella
- 9.Kamalesh Babu
- 10.Sujith

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying this Court for issuance of writ of Certiorarified Mandamus to call for records relating to official Memorandum in D.No.9878 of 2018, dated 10.12.2018, on the file of the 1st respondent and quash the same as illegal and consequently, direct the 2nd respondent to re-transfer the cases in O.S.Nos.128/2012, 129/2012, 115/2013, 103/2013, 104/2013, 105/2013, 107/2013 and 108/2015 to 3rd respondent in the light of order, dated 15.07.2015 passed by this Court in Tr.C.M.P.(MD).Nos.172 to 175 of 2014 and Tr.C.M.P.(MD)Nos. 70, 71, 69 and 207 of 2014.



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For Petitioner : Mr.V.Karthick Raja
for M/s.Ajmal Associates
For Respondents : Mr.D.Venkatesh
1 to 3
For Respondents : Mr.N.Dilip Kumar
4 to 9

ORDER

(Order of this court was made by **K.KALYANASUNDARAM, J.**)

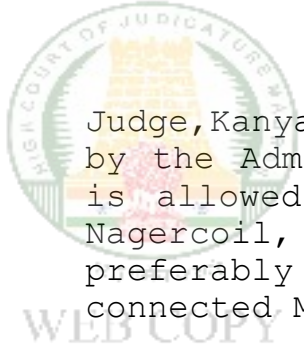
This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to the official memorandum in D.No.9878 of 2018, dated 10.12.2018 by the first respondent and quash the same as illegal and consequently to direct the 2nd respondent to re-transfer the cases in O.S.Nos.128/2012, 129/2012, 115/2013, 103/2013, 104/2013, 105/2013, 107/2013 and 108/2015 to the third respondent in the light of order, dated 15.07.2015 passed by this Court in Tr.C.M.P.(MD)Nos.172 to 175 of 2014 and Tr.C.M.P.(MD)Nos.70,71,69 and 207 of 2014.

2.Heard the submissions of Mr.V.Karthick Raja, learned counsel appearing for the petitioner, Mr.D.Venkatesh, learned counsel appearing for respondents 1 to 3 and Mr.N.Dilip Kumar, learned counsel appearing for the respondents 4 to 9 and perused the materials placed before this Court.

3.According to the petitioner, he is a practicing Advocate in Kanyakumari District. Civil Suits in O.S.Nos.128/2012, 129/2012, 115/2013, 103/2013, 104/2013, 105/2013, 107/2013 and 108/2015 were pending before different Courts in Kanyakumari District. Since, the subject-matter of the suits and the parties are one and the same, Transfer Civil Miscellaneous Petitions were moved by the parties in Tr.C.M.P.(MD).Nos.172 to 175 of 2014 and Tr.C.M.P.(MD) Nos.70,71,69 and 207 of 2014, seeking transfer of the cases to the Principal District Judge's Court, Kanyakumari District at Nagercoil. This Court allowed the Transfer Petitions by order, dated 15.07.2015 and a direction was also issued to complete the trial on or before 31.01.2016. However, the order passed in the Transfer Civil Miscellaneous Petitions were not brought to the knowledge of the Registry. Pursuant to the decision taken by the Administrative Committee, the cases were transferred to I Additional District Court, Tirunelveli. Since there was a judicial order directing the Principal District Judge, Kanyakumari District at Nagercoil, to try the cases the petitioner challenges the Administrative order, as it is not sustainable.

4.The learned counsel for the respondents have no objection for allowing the Writ Petition.

5.In the instant case, it is not disputed that by a judicial order of this Court, dated 11.06.2014, the suits referred to supra have been transferred to the file of the Principal District



Judge, Kanyakumari District at Nagercoil and hence, the order passed by the Administrative Committee is set aside and the Writ Petition is allowed. The Principal District Judge, Kanyakumari District at Nagercoil, shall dispose of the suits as expeditiously as possible, preferably on or before 31.12.2019. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sheristadar,
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3. The Principal District Court,
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District Court Campus,
Court Road,
Nagercoil,
Kanyakumari District.

+1cc to M/s.N.Dilip Kumar, Advocate, SR.No.59984
+1cc to M/s.Ajmal Associates, Advocate, SR.No.60286
+1cc to M/s.D.Venkatesh, Advocate, SR.No.60452

ORDER MADE IN
W.P. (MD) .No.366 of 2019
and
W.M.P. (MD) No.308 of 2019
09.04.2019

SP/30.04.2019/ 3P/7C