

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.12.2020

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.26833, 27316, 27328, 27329, 27337, 27340, 27326 of 2018
and

W.M.P.Nos.31810, 31814, 31819, 31833 and 31840 of 2018, 31797
and 31180 of 2018

S. Selvam ... Petitioner in all WPs

Vs..

1.The Government of Tamil Nadu,
Rep. by Additional Chief Secretary cum
Secretary to Government,
Home Department,
Secretariat, Chennai - 9. ... Respondent 1 in all WPs

2.The Registrar General,
Madras High Court,
Chennai-104. ...R2 in W.P.No.26833 of 2018

(R2-Impleaded as per order dated 04/02/2020 made in WMP No.2739
of 2020 in W.P.No.26833/18 by PDAJ.

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Declaration
declaring that the Government Order in G.O. Ms. No.1423, Home
(Courts II), dated 06.09.2018 as amended by G.O. Ms. No.1568,
Home (Courts II), dated 17.09.2018 is not applicable to the
criminal case in CC.No.9/2013, 21/2013, 33/2015, 17/2012,
16/2013, 34/2013, 28/2012 on the file of Special Court for trial
of criminal cases related to elected Members of Parliament and
Members of Legislative Assembly of Tamil Nadu, Chennai, insofar
as the petitioner is concerned.

For Petitioner: Mr. P. Kumaresan

For Respondent:Mr. A. Natarajan, Public Prosecutor
Assisted by Mr. Md. Muzamil
Government Advocate (Crl.,Side)

O R D E R

Heard through Video Conferencing. These writ petitions have been filed questioning the transfer of these cases to the Special Court constituted for trial of offences reported as against Members of Legislative Council and Member of Parliament.

2. The main contention of the learned counsel for the petitioner is that he is not a member either legislature or parliament. Whereas, the main accused is already expired. Therefore, the transfer to the Special Court is not as per law. When the Court posed the question as to how this petition is maintainable, the learned counsel seeks permission of this Court to withdraw these writ petitions with liberty to agitate the petition filed to quash. Since he has already filed a petition to quash the proceedings, it is for the petitioner to establish his case.

3. With the above, these writ petitions are dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AT
To

1.The Additional Chief Secretary cum
Secretary to Government,
Government of Tamil Nadu,
Home Department,
Secretariat, Chennai - 9.

2.The Registrar General,
Madras High Court,
Chennai-104.

Copy to

1.The Principal Sessions Judge,
City Civil Court,
Chennai.

2.The Special Judge,
Special Court for Trial of Criminal Cases related to elected
members of Parliaments and Members of Legislative Assembly
of Tamil Nadu, Chennai.

W.P.Nos.26833, 27316, 27328, 27329, 27337, 27340, 27326 of 2018
and
W.M.P.Nos.31810, 31814, 31819, 31833 and 31840 of 2018

rv[o]
srg 09/03/2021