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W.P.No.11591 of 2010 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.11591 to 11597 of 2010
M.P.Nos. 1 to 3 of 2010 (7 nos. each)

W.P.No.11591 of 2010

1.Kaashyap Technologies Limited
Rep. By its Authorised Signatory,
R.Chandrasekar,
33/8, C.P.Ramasamy Road, Alwarpet,
Chennai – 600 018.

2.A.Venkatramani

3.R.Chandrasekar

.. Petitioners

VS

1.Nitin Kumar Dhirajlal Gokal

2.The Metropolitan Magistrate,
First Class, 33rd Court,
Ballard Pier, Mumbai.

.. Respondents

Prayer in W.P.No.11591 of 2010: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 2nd respondent relating to the complaint in C.C.No.3312767 of 2009 pending on the file of the 2nd respondent, quash the same and consequently direct the 2nd respondent to return the complaint in the said case to the first



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respondent for presentation to the appropriate court having territorial jurisdiction to try and entertain the same.

For Petitioners : Mr.K.Ashok Kumar
(in all writ petitions)

For Respondents : No appearance
(in all writ petitions)

COMMON ORDER

Heard Mr.K.Ashok Kumar, learned counsel appearing for the petitioner.

2. The name of Mr.Vijay, learned Additional Government Pleader is printed for R2. However, the second respondent is the Metropolitan Magistrate, First Class, 33rd Court, Ballard Pier at Mumbai.

3. The prayer of the petitioners is for a writ of a certiorarified mandamus challenging complaints pending on the file of R2. There is also a consequential direction sought to R2 to return the complaint to R1, who is an individual based in Mumbai as per the cause-title, for presentation before the appropriate Court having territorial jurisdiction to entertain the same.



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4. Neither of the respondents is based in Mumbai. Notice has been served on R1 and his name printed in the cause-title. However, there is no appearance.

5. The petitioner is unable to enlighten the Court as to the status of the complaints which is of the year 2009. To be noted, when there is no interim protection that has been granted, it is expected that matters would have taken their course before the second respondent / Court at Mumbai. No case is made out by the petitioners in support of their prayer.

6. In light of the narration as aforesaid, this Court is not inclined to consider or grant the prayer. These writ petitions are dismissed. To be noted that if, for any reason, matters are yet pending before the second respondent / Court, the Court is at liberty to take the things forward in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm



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To

The Metropolitan Magistrate,
First Class, 33rd Court,
Ballard Pier, Mumbai.



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DR. ANITA SUMANTH,J.

ssm

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