



W.P(MD)Nos.18319 & 18320 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)Nos.18319 & 18320 of 2018
and
W.M.P(MD)Nos.16191 & 16192 of 2018**

W.P(MD)No.18319 of 2018:

M.Alagumathi

... Petitioner

VS.

- 1.The Secretary,
Department of Law and Justice,
Government of India,
New Delhi.
- 2.The Manager,
Axis Bank,
Prema Cplx,
2737, East Main Street,
Pudukkottai – 1.
- 3.The Manager,
Axis Bank,
No.75 E/1, Salai Road,
Thillai Nagar,
Trichy – 620 018.



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4.Axis Bank Limited,
01, Shakespeare Sarani,
AC Market Building,
4th Floor,
Kolkata – 71.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring that Section 142(2) of the Negotiable Instruments (Amendment) Act, 2015 is unconstitutional and against the principles of natural justice and consequently to annul the said provision and to quash the proceedings of the case No.CS/56976/18, on the file of the 15th Metropolitan Magistrate Court, Calcutta.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent No.1 : Mr.A.Srinivasan

For Respondent Nos.2 to 4 : Mr.V.V.Sivakumar

W.P(MD)No.18320 of 2018:

R.Chitra

... Petitioner

vs.

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring that Section 142(2) of the Negotiable Instruments (Amendment) Act, 2015 is unconstitutional and against the principles of natural justice and consequently to annul the said provision and to quash the proceedings of the case No.CS/55478/18, on the file of the 11th Metropolitan Magistrate Court, Calcutta.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent No.1 : Mr.A.Srinivasan

For Respondent Nos.2 to 4 : Mr.V.V.Sivakumar

COMMON ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The instant Writ Petitions have been filed to declare Section 142(2) of the Negotiable Instruments (Amendment) Act, 2015 as



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unconstitutional and against the principles of natural justice and consequently to annul the said provision and to quash the proceedings of the case No.CS/56976/18, on the file of the 15th Metropolitan Magistrate Court, Calcutta and case No.CS/55478/18, on the file of the 11th Metropolitan Magistrate Court, Calcutta.

2.Mr.A.Srinivasan, learned counsel appearing for the first respondent would submit that in a similar circumstances, the Division Bench of this Court in ***W.P(MD)No.11150 of 2016, dated 18.12.2019 [Refex Energy Limited Vs. Secretary (Legislative) and others]*** and in ***W.P(MD)Nos.17038 and 17039 of 2018, dated 25.02.2020 [Kasiammal Vs. The Secretary and others]*** has dismissed the Writ Petitions upholding the provisions under Section 142(2) of the Negotiable Instruments (Amendment) Act, 2015. In such circumstances, the issue involved in the present Writ Petitions is no longer *res integra*, hence no further adjudication is required in the present Writ Petition.

3.In the light of the aforesaid decision of the Division Bench of this Court, no further adjudication is required in these Writ Petitions. Accordingly, the present Writ Petitions are dismissed. However, it is open to



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the petitioners to challenge the aforesaid proceedings before the concerned Court in the manner known to law, if they are so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
11.03.2024

NCC : Yes / No
Index : Yes / No
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To

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)Nos.18319 & 18320 of 2018

DATED : 11.03.2024