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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

The HONOURABLE MR.JUSTICE V.S.RAVI

W.P. (MD) .No.4385 of 2015

S.Angappan

.. Petitioner

Vs.

1. State of Tamil Nadu
Rep. by the Director
Treasuries and Accounts Department,
Panagal Building, Saidapet,
Chennai - 15.

2. The District Collector
Collectorate,
Tirunelveli - 9.

3. The Treasury Officer
District Treasury Office,
Collectorate,
Tirunelveli - 9.

4. The Assistant Treasury Officer
Sub-Treasury Office,
A.P.Mada Street,
Tirunelveli Town,
Tirunelveli - 6.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to drop the proposal of shifting the respondent No.4 office from present location to the private building situated at rural area, which is away from 3 kms from the city.

For petitioner : Mr.Maran

For respondents : Mr.M.Alagathevan
Special Government Pleader

O R D E R

(Order of the Court was made by **S.TAMILVANAN, J**)

The writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, to direct the respondents to drop the proposal of shifting the office of the Assistant Treasury Officer from the present location to the private building, situated in a rural area, which is away from 3 kms from the city.



2. Learned counsel appearing for the petitioner submits that if the office of the Assistant Treasury Officer is shifted to any rural area, which is 3 kms away from the city, it would be detrimental to the interest of the retired persons, who are getting their pension.

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3. The petitioner has not even stated to which place the present office of the Assistant Treasury Officer is going to be shifted. He has simply stated that it is going to be shifted to a rural area, which is 3 kms away from the city. Further, there are no supporting documents to show that the authorities are going to shift the office and further, it is the prerogative of the Government. The petitioner, being an individual without approaching the concerned authority of the Government, cannot file writ petition in the nature of Public Interest Litigation, restraining the Government to shift the existing office of the Assistant Treasury Officer to some other rural area, which is 3 kms away from the city. Unless there is no subsisting constitutional right and violation of fundamental rights of the petitioner, he cannot make out a case against the respondents, in respect of shifting the office of the fourth respondent.

4. On the aforesaid circumstances, we are of the view that the writ petition itself is not legally sustainable and accordingly, the same is liable to be dismissed.

5. In the result, the writ petition is dismissed. However, it is open to the petitioner to approach the concerned authority, seeking appropriate remedy in the manner known to law. No costs. Consequently, M.P.(MD).No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Director, State of Tamil Nadu
Treasuries and Accounts Department,
Panagal Building, Saidapet, Chennai - 15.
 2. The District Collector, Collectorate, Tirunelveli - 9.
 3. The Treasury Officer, District Treasury Office,
Collectorate, Tirunelveli - 9.
 4. The Assistant Treasury Officer
Sub-Treasury Office, A.P.Mada Street,
Tirunelveli Town, Tirunelveli - 6.
- +1cc to Special Govt.Pleader SR.No. 15473
+1cc to Mr.M.Maran, Advocate, SR.No.15156

W.P. (MD) .No.4385 of 2015

26.03.2015