

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.04.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE  
and  
The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.16830 of 2016

Dravida Munnetra Kazhagam  
represented by its Organisation Secretary  
R.S.Bharathi,  
DMK Head Quarters, 'Anna Arivalyam'  
367 and 369, Anna Salai  
Chennai 600 018.

... Petitioner

Versus

1.The Election Commission of India,  
represented by the Chief Election Commissioner,  
Nirvachan Sadan,  
Ashoka Road,  
New Delhi 110001.

2.The Chief Electoral Officer, Tamil Nadu,  
Public (Elections) Department,  
Fort St.George, Secretariat,  
Chennai 600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioner's request of transfer of the officials mentioned in the respective representations dated 5.3.2016, 10.3.2016, 15.3.2016, 22.04.2016 and 26.04.2016 forthwith.

For Petitioner ::: Mr.Shanmughasundaram  
Senior counsel for Mr.G.Devarajan  
For Respondents::: Mr. Niranjan Rajagopalan for R.1  
Mr.S.T.S.Murthi  
Government Pleader for R.2

O R D E R

(The Order of the Court was made byThe Hon'ble The Chief Justice)

The petitioner, recognised political party, has objections for large number of officers from the bureaucratic cadre being posted where they are. They made representation to the Election Commission and it is the say of the learned counsel for the Election Commission that wherever substantive reason is found, transfers have been made. However, as rightly said, it is not possible to go only by the view of the petitioner.

2. We are of the view that the Election Commission is the appropriate authority to determine such aspect and we cannot sit in appeal over decisions of who has to be posted where.

3. The writ petition accordingly stands dismissed with the aforesaid observations, leaving the parties to bear their own costs. .04.2016

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Chief Election Commissioner,  
Election Commission of India,  
Nirvachan Sadan,  
Ashoka Road,  
New Delhi 110001.

2.The Chief Electoral Officer, Tamil Nadu,  
Public (Elections) Department,  
Fort St.George, Secretariat,  
Chennai 600 009.

+ 1 cc to Mr.G.Devarajan, Advocate, SR 27613

+ 1 cc to M/s.G.R.Associates, Advocate, SR 27704

cnr(co)  
prk29/4

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