



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.23936 of 2016

and

W.M.P (MD) No.17271 of 2016

K.Muthu

...Petitioner

vs.

1)The Commissioner of Revenue Administration,
Secretariat, Elizham,
Chennai-09.

2)The District Collector,
Kanyakumari District,
At Nagercoil.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to retransfer the petitioner from Kaduvatti Village, Alankulam Taluk, Tirunelveli District to Nalloor Village, Vilavancode Taluk, Kanyakumari District, by considering the representation of the petitioner dated 20.10.2016 within the time frame that may be stipulated by this Hon'ble Court.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents

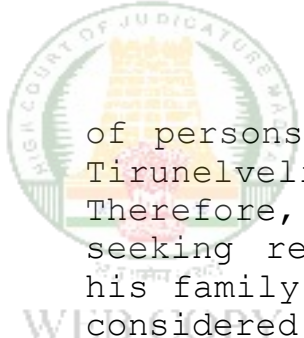
: Mr.S.Sathish Kumar

Additional Government Pleader

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents to re-transfer him from Kaduvatti Village, Alankulam Taluk, Tirunelveli District to Nalloor Village, Vilavancode Taluk, Kanyakumari District, by considering his representation dated 20.10.2016, within a time frame that may be stipulated by this Court.

2.The petitioner was selected as a Village Administrative Officer and he was allotted to Nalloor Village, Vilavancode Taluk, Kanyakumari District and he joined the said post on 08.04.2015. He made a representation on 17.07.2015 to transfer him from Kanyakumari to Tirunelveli. However, as there was no response on the said representation, the petitioner has settled his entire family at Kanyakumari. On 22.01.2016, the respondents called for the persons, who have opted for one way transfer to sign an affidavit in confirmation with regard to the said transfer and that the petitioner had given his unwillingness for the same. However, by the proceedings dated 11.08.2016, transferring number



of persons, the petitioner was also ordered to be transferred to Tirunelveli and relieving order was also issued on 07.10.2016. Therefore, the petitioner made a representation dated 20.10.2016, seeking re-transfer to Kanyakumari, stating that he has settled his family at Kanyakumari and that the said representation was not considered. Hence, this writ petition.

3.The learned Additional Government Pleader appearing for the respondents drew the attention of this Court to the earlier representation of the petitioner dated 17.07.2015 wherein, he has agreed to go on transfer to Tirunelveli from Kanyakumari with the conditions that he is willing to bear the expenses and agreed to be placed in the bottom of seniority and after transfer to Tirunelveli, he would not seek transfer to any District. Therefore, he submitted that the petitioner cannot now seek re-transfer to Kanyakumari District.

4.Taking note of the averments in the representation of the petitioner dated 17.07.2015, this Court is of the view that giving direction to consider the representation of the petitioner would be only a futile exercise and therefore, this Court is not inclined to interfere with the administrative decision taken by the respondents.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, W.M.P(MD)No.17271 of 2016 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1)The Commissioner of Revenue Administration,
Secretariat, Elizham, Chennai-09.

2)The District Collector,
Kanyakumari District,
At Nagercoil.

+1cc to M/s.S.C.Herold Singh, Advocate in SR.80669

W.P (MD) No.23936 of 2016
14.12.2016

nbi

PBK 27/12/2016 ::2P-4C: