

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-07-2017

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.566 of 2017  
and  
W.M.P.Nos.608 & 15680 of 2017**

S.Sivagnanam

...Petitioner

Vs.

1. District Collector,  
Tiruvallur District.

2. Block Development Officer,  
Ellapuram Panchayat Union,  
Tiruvallur District.

3. Oversear,  
Ellapuram Union,  
Tiruvallur District.

...Respondents

**Prayer:** The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 2nd respondent in Na.Ka.No.1427/2016/A6 dated 23.11.2016 and quash the same and to direct the 2nd respondent allow the petitioner to work in Tharatchi Panchayat Secretary.

For Petitioner

: Mr.G.Murugendran

For Respondents : Mr.K.Dhananjayan, Spl. Govt.  
Pleader

**ORDER**

The order of transfer dated 23.11.2016 is under challenge in this writ petition.

2. The writ petitioner was working as Panchayat Secretary of Tharachi Village Panchayat. The petitioner was transferred from Tharachi Village Panchayat to Tholavedu Village Panchayat, within the same block. The order of transfer was issued by the Block Development Officer.

3. Thus, the order of transfer impugned in this writ petition was issued by the Competent Authority in accordance with the Rules and there is no infirmity in respect of the exercise of jurisdiction on the part of the second respondent.

4. The writ petitioner is transferred within the same block and the grievance advanced in this writ petition that the petitioner is monitoring certain schemes successfully in the Tharachi Village Panchayat, cannot be a ground to question the transfer order issued on

administrative grounds.

5. The transfer issued on administrative grounds, cannot be questioned by filing a writ petition under Article 226 of the Constitution of India. Any order of transfer can be challenged only on exceptional circumstances, to say if the order of transfer is issued without jurisdiction, by an incompetent authority or on mala fides. Even in case of alleging mala fides, the authority, against whom such an allegation is made, is to be impleaded as a party in the writ proceedings, in his personal capacity. In the absence of any of these legal grounds, no writ proceedings is to be entertained by this Court, questioning the order of transfer issued on administrative grounds.

6. Thus, the grounds raised in this writ petition regarding the transfer of the writ petitioner, within the same block, deserves no consideration at all. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

**WEB COPY 26-07-2017**

Speaking Order/Non-Speaking Order  
Index:Yes/No  
Internet:Yes/No  
kas/Svn

S.M.SUBRAMANIAM.,J.

Kas/Svn

To

1. The District Collector,  
Tiruvallur District.
2. The Block Development Officer,  
Ellapuram Panchayat Union,  
Tiruvallur District.
3. The Oversear,  
Ellapuram Union,  
Tiruvallur District.

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