



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**W.A.[MD].No.76 of 2017
and
W.M.P.(MD).No.648 of 2017**

K.Muthu : Appellant

Vs.

1.The Commissioner of Revenue Administration,
Secretariat, Elizham, Chennai 600 009.

2.The District Collector,
Kanyakumari District, at Nagercoil. : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 14.12.2016 made in W.P.(MD).No.23936 of 2016, on the file of this Court.

Prayer in WP(MD). 23936/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other writ or order or direction of a like nature directing the respondents to retransfer the petitioner from Kaduvatti Village, Alankulam Tk, 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 Honble Court

For Appellant : Mr.S.C.Herold Singh
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

JUDGMENT

[Judgment of the Court was made by **R.SUBBIAH, J.**]

This Writ Appeal has been filed challenging the order passed by the learned Single Judge, dated 14.12.2016 made in W.P.(MD). No.23936 of 2016.



2. The said Writ Petition was filed by the appellant herein seeking a Writ of Mandamus, directing the respondents herein to re-transfer the appellant from Kaduvatti Village, Alankulam Taluk, Tirunelveli District to Nalloor Village, Vilavancode Taluk, Kanyakumari District, by considering the representation of the appellant, dated 20.10.2016.

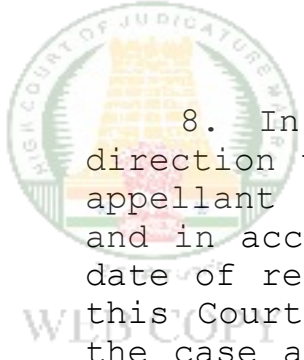
3. The case of the appellant before the learned Single Judge was that he was selected and appointed as Village Administrative Officer and posted at Nalloor Village, Vilavancode Taluk, Kanyakumari District. He joined the said place on 08.04.2015. Thereafter, he made a representation on 17.07.2015 with a request to transfer him from Kanyakumari to Tirunelveli. Since there was no response, the appellant had settled his entire family at Kanyakumari. On 22.01.2016, the respondents called for the persons, who opted for one way transfer, to sign an affidavit. The appellant has expressed unwillingness for the same. However, by proceedings dated 11.08.2016, the appellant was transferred to Tirunelveli, along with several other persons. Therefore, the appellant made a representation on 20.10.2016, seeking to re-transfer him to Kanyakumari on the ground that he had settled his family at Kanyakumari. Since the said representation was not considered, the appellant was constrained to file the Writ Petition, for the relief stated supra.

4. The said Writ Petition was opposed by the learned Additional Government Pleader, by contending that on an earlier occasion, the appellant made a representation on 17.07.2015, wherein he had agreed to go on transfer to Tirunelveli from Kanyakumari with the conditions that he was willing to bear the expenses and further agreed to be placed in the bottom of the seniority and after transfer to Tirunelveli, he would not seek transfer to any other Districts. Therefore, the appellant cannot seek re-transfer to Kanyakumari District.

5. After hearing the learned counsel on either side, the learned Single Judge of this Court, by order dated 14.12.2016, dismissed the said Writ Petition.

6. We have heard the learned counsel appearing for the appellant, the learned Special Government Pleader appearing for the respondents and we have gone through the materials available on record.

7. What is sought for by the appellant is only to consider his representation dated 20.10.2016 and pass appropriate orders, on merits and in accordance with law. Therefore, in our considered view, coming into the merits of the case, the prayer sought for by the appellant could be entertained.



8. In the result, the Writ Appeal is disposed of with a direction to the respondents to consider the representation of the appellant dated 20.10.2016 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Judgment. It is made clear that this Court has not expressed any opinion regarding the merits of the case and it is for the respondents to decide the issue purely on merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

NB

To

1.The Commissioner of Revenue Administration,
Secretariat, Elizham, Chennai 600 009.

2.The District Collector,
Kanyakumari District, at Nagercoil.

+1CC to Mr.S.C.Herold Singh, Advocate Sr.No.4786

+1CC to Spl.Government Pleader Sr.No.4996

GJM/CM/MSA/7.2.17-3p-5C

JUDGMENT MADE IN
W.A. [MD] .No.76 of 2017
30.01.2017