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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2017
CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P(MD) No.6020 of 2017

S.Subbiah

... Petitioner

-vs-

1.The Government of Tamil Nadu,
rep.by its Secretary,
Home Department,
Fort St.George,
Chennai - 9.

2.M.Karunakaran I.A.S.,
District Collector,
Tirunelveli District,
Tirunelveli - 627 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to transfer the 2nd respondent from the post of the District Collector Tirunelveli to some other post by considering the petitioner's representation dated 8.3.2017.

For Petitioner : Mr.P.Subbiah

For Respondents : Mr.M.Govindan
Special Government Pleader

O R D E R

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the first respondent to transfer the second respondent on the basis of the representation dated 08.03.2017 given by the petitioner by way of issuing a Writ of Mandamus.

2.Mr.M.Govindan, learned Special Government Pleader has taken notice for the respondents.



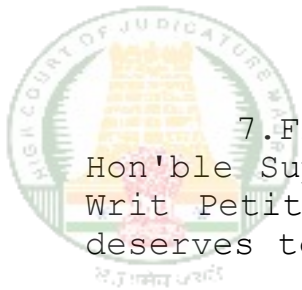
3.The learned counsel appearing for the petitioner has contended to the effect that the second respondent being the Collector of Tirunelveli District has done so many infractions and for the purpose of transferring him from Tirunelveli District, a representation has been given on 08.03.2017. But the first respondent has not at all considered the same and therefore, the present Writ Petition has been filed for getting the relief sought therein.

4.The learned Special Government Pleader appearing for the respondents has contended that the relief sought in the Writ Petition is purely a service matter. Since the relief sought in the Writ Petition is purely a service matter, writ jurisdiction under Article 226 of the Constitution of India cannot be invoked.

5.As adverted to earlier, the grievance expressed on the side of the petitioner is that since the second respondent has done so many infractions, a representation has been given on 08.03.2017 to the first respondent, but the first respondent has not considered the same.

6.In **(2005) 5 SCC 136 [Gurpal Singh vs. State of Punjab & Ors.]** and **(2005) 1 SCC 590 [Dattaraj Nathuji Thaware vs. State of Maharashtra & Ors.]** the Hon'ble Supreme Court has observed as follows:

".....Though in *Dr. Duryodhan Sahu and Ors. v. Jitendra Kumar Mishra and Ors.* (AIR 1999 SC 114), this Court held that in service matters PILs should not be entertained, the inflow of so- called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the Court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the Courts to filter out the frivolous petitions and dismiss them with costs as afore-stated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.



7. From a cumulative reading of the observations made by the Hon'ble Supreme Court, this Court is of the view that the present Writ Petition is not at all maintainable and therefore, the same deserves to be dismissed.

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8. In fine, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 9.

2. M. Karunakaran I.A.S.,
District Collector,
Tirunelveli District,
Tirunelveli - 627 009.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 54640

MJ

PSM/MR/09.05.2017/3P/4C

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