

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.12999 of 2018
and
W.M.P.No.15270 of 2018

P. Muthu

...Petitioner

Vs.

1. The Additional Director General of Police,
Armed Police, Chennai.
 2. The Commandant,
TSP VII Bn. Pochampalli,
Krishnagiri District.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the proceedings in C.No.A1/3477/2018, B.O.314/2018, dated 23.05.2018 on the file of the second respondent and to quash the same, as illegal, incompetent and ultravires and consequently, to direct the first respondent to consider the petitioner's representation dated 10.04.2017, seeking transfer to TSP XIII BN, Poonamallee, Chennai.

For Petitioner : Mr.R. Jayaprakash
For Respondents : Mr.V.Kadhirvelu
Special Government Pleader

O R D E R

Heard Mr.R. Jayaprakash, the learned counsel appearing for the petitioner and Mr.V.Kadhirvelu, the learned Special Government Pleader, appearing on behalf of the respondents.

2. The petitioner, in this Writ Petition, had challenged the order of his transfer from Krishnagiri District to Thiruvallur District and subsequently, the additional charge given to him in a place in Thiruvallur District. This Court, while issuing notice in this Writ Petition, though not stayed

the impugned order of transfer, directed that if the petitioner does not join in a new place of posting during the pendency of the Writ Petition, no coercive action shall be taken against him. No counter affidavit has been filed.

3. Today, however, the learned counsel appearing for the petitioner submits that, since the petitioner is a heart patient and had undergone surgery twice, as such, he has made a representation to post him in and around Chennai, in an appropriate post. Such representation is pending with the first respondent, and as such, this Writ Petition may be disposed of with a direction to the first respondent to take an informed and considered decision on such representation within a stipulated period to revisit the order of transfer, and in the meanwhile, the petitioner be protected vide the aforesaid interim order. Nevertheless, the learned Special Government Pleader appearing for the respondents submits that he will file counter affidavit. But, considering the limited prayer, now sought for by the learned counsel appearing for the petitioner and the petitioner has already been protected against any coercive action for non-joining in the present place of posting, this Court is of the view that no useful purpose would be served by keeping this Writ Petition pending, awaiting response of the respondents, inasmuch as the petitioner has now not challenged the order of transfer, but seeks modification by filing a representation.

4. Thus, in the light of the aforesaid facts and the submissions made, this Court disposes of the Writ Petition with a direction to the first respondent to take an informed and considered decision on the representation of the petitioner made on 10.04.2017 within four weeks of receipt of the copy of this order to modify the order of transfer and communicate such decision to the petitioner immediately. Needless to say that, till such a decision is taken, no coercive action shall be taken against the petitioner for non-joining in the present place of posting. However, it is made clear that this Court has expressed no opinion on the merits of such representation. The respondents are at liberty to proceed to dispose of such representation, keeping in mind the grievance of the petitioner that he is a heart patient. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Additional Director General of Police,
Armed Police, Chennai.
2. The Commandant,
TSP VII Bn. Pochampalli,
Krishnagiri District.

+1cc to Mr.R. Jayaprakash, Advocate Sr.43509 [10/07/2018]

Writ Petition No.12999 of 2018

SP(05/07/2018)



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