



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD).No.845 of 2019

and

C.M.P. (MD).No.7226 of 2019

S.R.Kithuroli @ Raja Mohammed ... Appellant/Writ Petitioner

Vs.

1.The Director of Municipal Administration,
Municipal Administration & Water Supply Department,
Chepauk, Chennai-5.

2.The Municipal Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

3.The Municipal Commissioner,
Kayalpattinam Municipality,
Kayalpattinam,
Tuticorin District.

... Respondents/
Respondents 1 to 3

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.7858 of 2015 dated 02.07.2019.

Prayer in WP(MD). 7858 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records relating to the impugned order of transfer issued by the 1st Respondent in his proceedings in Roc. NO.13668/2015/K2 dated 30.04.2015.

For Appellant :Mr.M.Saravanakumar
For R1 :Mr.A.K.Baskara Pandian
Special Government Pleader
For R2 :Mr.P.Aathimoolapandian
For R3 :Mr.M.Rajarajan
Government Advocate



ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Saravanan, learned counsel appearing for the appellant, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the first respondent, Mr.P.Aathimoolapandian, learned counsel appearing for the second respondent and Mr.M.Rajarajan, learned Government Advocate appearing for the third respondent.

2.By consent on either side, this writ petition is taken up for disposal.

3.This appeal has been filed challenging the order of this Court passed in W.P.(MD).No.7858 of 2015 dated 02.07.2019.

4.When this appeal was entertained, the order of status- quo was granted on 22.08.2019. On the last hearing date, we directed the petitioner to give a representation to the respondent requesting that he may be accommodated in any other nearby area falling within the jurisdiction of the Tenkasi Minicipality. We also directed that the petitioner should unconditionally state that he will discharge his duties efficiently and without any remarks and if such representation is made, the first respondent was directed to consider the same and indicate the decision to this Court on the next date of hearing. However, it appears that a copy of the order was not received by the petitioner and he is yet to give a representation.

5.Considering these facts, we are of the view that this writ appeal can be disposed of by directing the petitioner to give a representation requesting that he may be accommodated in any other nearby area following within the jurisdiction of the Tenkasi Municipality. In the representation, the petitioner should unconditionally undertake that he will discharge his duties efficiently and without any remarks. If such representation is submitted by the petitioner, the first respondent shall consider the same and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of such representation is forwarded by the second respondent. The petitioner's representation shall be submitted through proper channel ie., the second respondent, who shall forward it to the first respondent. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)



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To

1.The Director of Municipal Administration,
Municipal Administration & Water Supply Department,
Chepauk, Chennai-5.

2.The Municipal Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

3.The Municipal Commissioner,
Kayalpattinam Municipality,
Kayalpattinam,
Tuticorin District.

+1CC TO MR.M.RAJARAJAN, Advocate Sr. No.92802

+1CC TO MR.P.ATHIMOOLAPANDIAN, Advocate Sr. No.92299

+1CC TO MR.M.SARAVANAN KUMAR, Advocate Sr. No. 92327

W.A. (MD) .No.845 of 2019

and

C.M.P. (MD) .No.7226 of 2019

GRC (CO)

TR(04.11.2019) 3P 7C