

IN THE HIGH COURT OF JUDICATURE AT MADRAS**25.09.2020****CORAM****THE HONOURABLE Mr. JUSTICE V.PARTHIBAN**

W.P. No.12645 of 2019
& WMP Nos.15614 & 15615 of 2020

R.Kumar

.. Petitioner

Vs.

1.The Block Development Officer(Village Panchayats),
 Poondi Panchayat Union,
 Poondi, Uthukkottai Taluk,
 Thiruvallur District-602 023

2.The Inspector of Panchayats & District Collector,
 Thiruvallur District,
 Thiruvallur.

3.The Government of Tamil Nadu,
 rep. by its Principal Secretary,
 Rural Development & Panchayat Raj Department,
 Fort St. George, Chennai-600 009

4.B.Dhanasekar,
 Village Panchayat Secretary,
 Perittivakkam Village Panchayat, Uthukkottai Taluk,
 Thiruvallur District-602 026 .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for all the records relating to the impugned proceedings in Na.Ka.No.225/2020/A6 dated 31.07.2020 issued by the Block Development Officer(Village

Panchayats), Poondi Panchayat Union, Thiruvallur District, the First respondent herein, and quash the same.

For Petitioner : Mr.J.Thilagaraj
For Respondents : Mr.J.Ramesh, AGP

ORDER

This matter is taken up through Web hearing.

2. This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for all the records relating to the impugned proceedings in Na.Ka.No.225/2020/A6 dated 31.07.2020 issued by the Block Development Officer (Village Panchayats), Poondi Panchayat Union, Thiruvallur District, the First respondent herein, and quash the same.

3. The petitioner claims himself to be the President of the Perittivakkam Village Panchayat, Uthukkottai Taluk, Thiruvallur District. The present Writ Petition has been filed by him questioning the transfer of the fourth respondent from his Village Panchayat to a different Panchayat by proceedings dated 31.07.2020. According to the petitioner, that in the subject transfer, the authority has not followed the mandatory procedure contemplated in the Tamilnadu

Panchayat Secretaries (Condition of Service) Rules 2013. The Writ Petition has also raised other grounds in assailing the order of transfer. The learned counsel for the petitioner would submit that the order is *per se* illegal and arbitrary as being violative of the provisions of the Tamil Nadu Panchayats Act, 1994.

4. This Court first of all, enquired as to what is the *locus standi* of the petitioner to challenge the order of the first respondent as the so called affected person is not before this Court. However, the learned counsel for the petitioner would submit that being the President of the Panchayat, has to uphold the interest of the Village Panchayat and therefore, he has right to challenge any action of the authority if the same is illegal.

5. This Court is not persuaded by such submission that in service matters, when individual employee being aggrieved, unless the employee concerned chooses to challenge the order, such challenge cannot be, by any other person on his behalf. Whatever be the circumstances, the interest of the petitioner herein, the transfer of the fourth respondent cannot be interfered with at the instance of the third party as this Court is of the considered view that the petitioner even in

the capacity of the President of the Village Panchayat, has no *locus standi* questioning the order of transfer of the fourth respondent. Therefore, without going into the merits of the case, this Court finds that the Writ Petition lacks *locus standi* to question the impugned order and hence, the Writ Petition stands dismissed on that ground. No costs. Consequently, connected miscellaneous petitions are closed.

25.09.2020

Index : Yes / No
Internet : Yes / No
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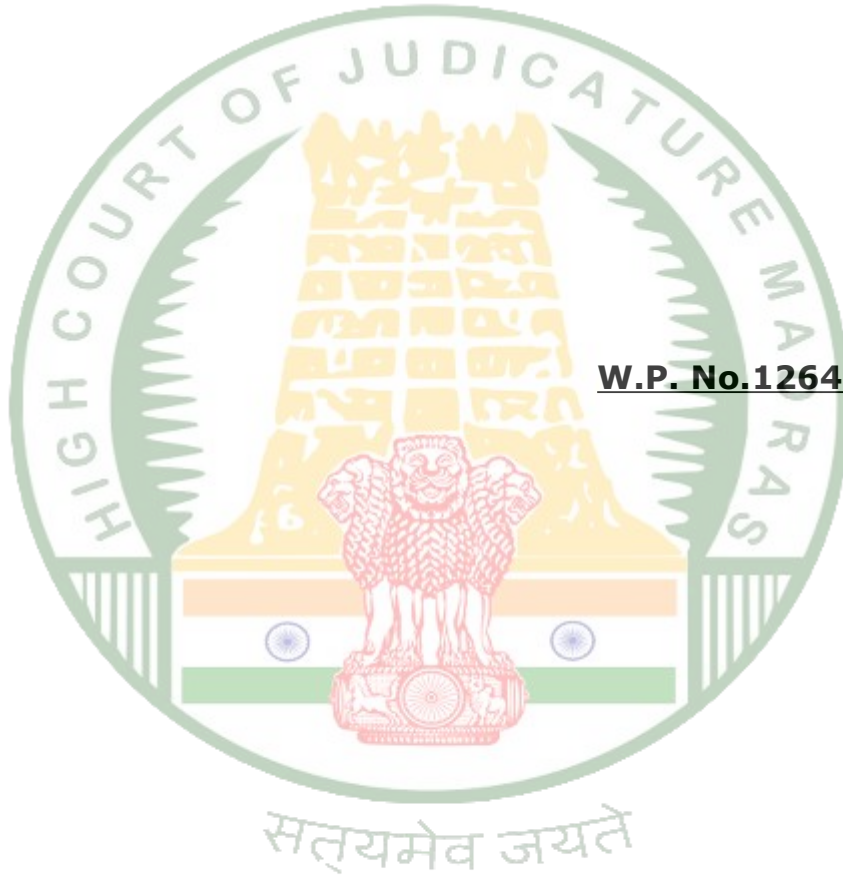
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