

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.5354 of 2021

PL.Ramachandran

.. Petitioner

Vs.

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai - 600 009.
2. The Principal Secretary to Government/
Chief Electoral Officer (CEO)
Public (Elections) Department,
Secretariat,
St.George Fort,
Chennai - 600 009.
3. The District Collector,
Collectorate,
Sivagangai,
Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to cancel the transfer order of the Tahsildar issued in Na.ka.No.A1/003/2021 dated 12.02.2021 and subsequently direct to retain the earlier transfer order, dated 09.02.2021.

For petitioner :: Mr.Samy.K.K.

For respondents :: Mr.V.Jayaprakash Narayanan,
State Government Pleader
for R1 and R3
Mr.Niranjan Rajagopalan for R2

ORDER
(made by Senthilkumar Ramamoorthy, J.)

The petitioner challenges an order of transfer dated 12.02.2021 on the ground that the said order of transfer rescinds and modifies an earlier order of transfer dated 09.02.2021.

2. Learned counsel for the writ petitioner states that the subsequent transfer order dated 12.02.2021 is mala fide and no reasons have been assigned for such transfer.

3. It is elementary that a public interest litigation is not, ordinarily, entertained in respect of service matters, such as transfer. Learned counsel contends that the transfer has been made in order to support the cause of a particular political party. Given the fact that elections have been notified, the Election Commission is obligated to ensure that transfers, if necessary, for the conduct of free and fair elections, are effected.

4. In view of the fact that a public interest litigation is not, ordinarily, the appropriate form of action in such matters, we are not inclined to entertain the present writ petition. However, it shall be open to the person aggrieved to canvass his grievances before the appropriate authorities, if so intended. As indicated above, the rejection of this writ petition shall also not preclude the exercise of power by the Election Commission, in this regard, if deemed necessary.

5. W.P.No.5354 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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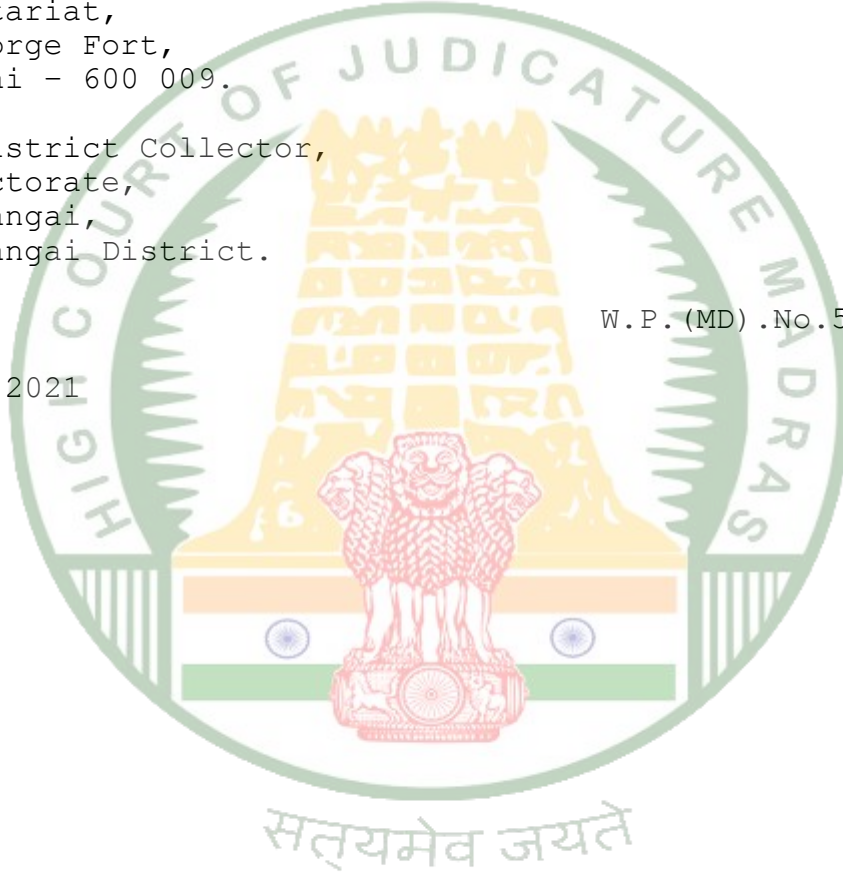
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To:

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CSR 01.04.2021

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