



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3107 of 2021

and

W.M.P(MD) Nos.2484 and 2485 of 2021

M.Balasubramanian

...Petitioner

Vs.

The Commissioner,
Land Survey & Settlement Department,
Chennai-5.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the respondent in his proceedings in ந.க.க.3/2034/2021(நி.அ) dated 05.02.2021 and quash the same.

For Petitioner : Mr.N.Sankar Ganesh

For Respondent : Mrs.V.P.M.Vaishnavi
Government Advocate

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has been transferred from Sivakasi to Sivagangai on the ground that the criminal case in FIR No.6 of 2020 registered against the petitioner under the provision of Prevention Of Corruption Act is pending. Hence, the decision to transfer was on administrative ground.

3.The ground raised by the petitioner in the present writ petition is that he is not guilty of the offences and the investigation is at the verge of conclusion. It is the settled proposition of law that the scope of interference to a writ petition challenging the transfer is very limited and that the ground that the petitioner is not guilty of the offences or there is no possibility of the petitioner being found guilty of the offences cannot be the ground to interfere in a transfer order. Since the



impugned order states that the criminal case is pending against the petitioner and therefore, the respondent has taken administrative decision to transfer him, I do not find any infirmity or illegality in such an order.

4. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner,
Land Survey & Settlement Department,
Chennai-5.

+1 CC to M/s.N.SHANKAR GANESH, Advocate (SR-6091[F] dated 19/02/2021)

W.P.(MD) No.3107 of 2021

and

W.M.P(MD) Nos.2484 and 2485 of 2021

18.02.2021

ES (CO)

TR(16.03.2021) 2P 3C