



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1281 of 2021

and

C.M.P.[MD]No.5384 of 2021

WEB COPY

A.Paulraj Pandian

...Appellant

Vs.

1.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Assistant Commissioner of Police,
Thallakulam (L&O) Range,
Madurai City,
Madurai.

4.The Inspector of Police,
D1, Thallakulam (L&O) Police Station,
Madurai City,
Madurai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to allow the writ appeal by setting aside the order passed in W.P.[MD]No.13789 of 2020 dated 10.02.2021.

Prayer in WP(MD). 13789 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari, calling for the records pertaining to the impugned office order passed by the respondents 1 to 4 in C.No. 566/37869/A3/2020 and CPO. No. 1379/2020 order dated 24.09.2020 relieving the petitioner from 3rd respondent office and transferring him to the Superintendent of Police, Thiruvarur District, and quash the same.



For Appellant : Mr.Niranjan S.Kumar
For Respondents : Mr.A.K.Manickam
Standing Counsel for Government

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

With the consent on either side, this Writ Appeal is taken up for disposal.

2.Heard Mr.Niranjan S.Kumar, learned Counsel appearing for the appellant and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents.

2.This appeal by the writ petitioner has been filed challenging the order dated 10.02.2021 in W.P.[MD]No. 13789 of 2020.

3.The order impugned in this writ petition is an order of transfer. The appellant seeks to make out a case that the order of transfer is vitiated by malafide and for certain other reasons. In this regard, the learned Counsel has elaborately drawn our attention to the various events which had occurred prior to the issuance of the order of approval. Further, it is submitted that even before he could be relieved from the Tallakulam Police Station, passport issued to him would show that he has to report before the Superintendent of Police, Thiruvarur on 13.10.2020, in the afternoon. But he was relieved only at 08.00 hours. Further, he was transferred to Thiruvarur District. It is also admitted that based on the complaint given by the petitioner, charge memo has been issued to the Inspector of Police and he is also facing a charge.

4.On a reading of the order, we find that it does not suffer from malafide and appears to be an administrative decision. Therefore, we are not inclined to interfere with the order of transfer.

5.In the result, the Writ Appeal is dismissed. However, we give liberty to the appellant to pursue his representation which has been given and request for transfer to Madurai District on medical grounds. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

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To

- 1.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai.
- 2.The Commissioner of Police,
Madurai City,
Madurai.
- 3.The Assistant Commissioner of Police,
Thallakulam (L&O) Range,
Madurai City,
Madurai.
- 4.The Inspector of Police,
Thallakulam (L&O) Range,
Madurai City,
Madurai.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-21315[F] dated 06/07/2021)

+1 CC to M/s.SPL GP (SR-21556[F] dated 07/07/2021)

W.A. [MD]No.1281 of 2021

05.07.2021

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