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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 12184 of 2017
and
W.M.P. Nos. 12981 & 12982 of 2017

A.Duraisamy ... Petitioner

-vs-

The Tahsildar
Madukarai
Coimbatore District. ... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records connected with the proceedings issued in Na.Ka.2016/2017/A1 dated 28.04.2017 passed by the Respondent (in so far Petitioner is concerned) and quash the same and consequently, direct the Respondent to allow the Petitioner to continue at Madhukarai Village.

For Petitioner : Mr. S.Ilamvaludhi

For Respondent : Mrs. C.Sangamithirai
Special Government Pleader

O R D E R

Heard Mr. S.Ilamvaludhi, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, while working as Village Assistant, had been transferred from Madhukarai Village to Myleripalayam Village by Order No.Na.Ka.2016/2017/A1 dated 28.04.2017 passed by the Respondent, which is challenged in this Writ Petition.

3. It is borne out from the record that though the Petitioner has sought for interim stay of the operation of the impugned

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order during the pendency of the Writ Petition in W.M.P. No. 12982 of 2017, no orders have been passed in that regard.

4. The legal position is well established as held by the Hon'ble Supreme Court of India in Union of India -vs- S.L.Abbas [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

5. Having due regard to the fact that a period of more than four years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances that then existed still continues. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order viz-a-viz the aforesaid legal position at this distance of time. Viewed from that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Maya

To

The Tahsildar,
Madukarai,
Coimbatore District.

+1cc to the Government Pleader, S.R.No.12379

W.P. No. 12184 of 2017

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