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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.13011 of 2021
and
W.M.P.(MD)Nos.10080 and 10081 of 2021

Balagurunathan ... Petitioner

Vs.

1. The State of Tamil Nadu,
   Through its Secretary to Government /
   Additional Chief Secretary,
   Municipal Administration and Water Supply Department,
   Fort St.George,
   Chennai - 600 009.

2. The Commissioner of Municipal Administration,
   Chepauk,
   Chennai - 600 005.

3. The Madurai Municipal Corporation,
   Through its Commissioner,
   Madurai. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records relating to the impugned proceeding dated 26.03.2021 in Letter No.461/ME.4/2019-8 of the first respondent herein and quash the same.

For Petitioner : Mr.S.Manikandan
For Respondents : Mrs.D.Farjana Ghoushia
Special Govt. Pleader for R1&R2
Mr.B.Saravanan
Standing Counsel for R3

O R D E R

The order impugned in the present Writ Petition dated 26.03.2021, is a confidential inter-departmental communication between the Additional Chief Secretary to Government, Municipal Administration and Water Supply Department and the Commissioner of Municipal Administration, in which, it is stated that the petitioner was in possession of unaccounted money. The copy of this letter

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dated 26.03.2021 has also been forwarded to the Vigilance Commission for the purpose of registering a criminal case. The order itself is titled as 'secret'. Apprehending transfer pursuant to this letter, the present Writ Petition has been filed.

2. It is not in dispute that this order was neither made public nor served on the petitioner herein. In the affidavit filed in support of the application seeking for dispensing with the original order, no reason has been adduced as to how the petitioner came to be in possession of this letter. Apparently, the petitioner had obtained this letter through back door methods. Serious allegation has been made against the petitioner and the Vigilance Commission has also been put on notice for the purpose of further action. It is unfortunate that the petitioner herein has some how got possession of this confidential information which was supposed to be dealt with the Commissioner of Municipal Administration and the Vigilance Commission and had made it as an impugned order in the present Writ Petition. I am of the view that since the impugned letter itself is not marked to the petitioner herein, no cause of action has arisen for him to apprehend that he would be transferred or a criminal case would be registered against him. Therefore, the present Writ Petition is not maintainable.

3. In the result, this Writ Petition stands dismissed. In view of the mode, in which, the petitioner has obtained this confidential information letter dated 26.03.2021, there shall be a direction to the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Madurai Bench of Madras High Court, Advocate Clerk's Welfare Association, Madurai - 625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition stands closed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Cs-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

vji

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To

1. The Secretary to Government / Additional Chief Secretary,
   State of Tamil Nadu,
   Municipal Administration and Water Supply Department,
   Fort St.George,
   Chennai - 600 009.

2. The Commissioner of Municipal Administration,
   Chepauk,
   Chennai - 600 005.

3. The Commissioner,
   The Madurai Municipal Corporation,
   Madurai.

Copy to

The Officer In Charge
Advocate Clerk's Welfare Association,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.SPL.GP (SR-26566[F] dated 17/06/2022)

+1 CC to M/s.B. SARAVANAN, Advocate (SR-26676[F] dated 20/06/2022)

W.P.(MD)No.13011 of 2021
and
W.M.P.(MD)Nos.10080 and 10081 of 2021
16.06.2022

KG(CO)
KB(28.06.2022) 3P 7C

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