



**W.P.(MD).Nos.22529, 21692, 21693,
21681 and 21682 of 2023**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.22529, 21692, 21693, 21681 and 21682 of 2023
and
W.M.P(MD) Nos.18761, 18762, 18090, 18092, 18093, 18094,
18075, 18076, 18079 and 18081 of 2023

W.P(MD) No.22529 of 2023:

Malairaj

...Petitioner

Vs.

1. The District Collector,
Sivagangai District.
2. The Block Development Officer
(Village Panchayat)
Kalayarkovil Union,
Sivagangai District.
3. The President,
Melamarungoor Panchayat,
Kalayarkovil Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for records in impugned order of the second respondent in Na.Ka.No.FB3/299/2018, dated 31.08.2023 and quash the same as illegal.



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**W.P.(MD).Nos.22529, 21692, 21693,
21681 and 21682 of 2023**

For Petitioner : Mr.S.Kumar
For Respondents : Mr.G.Sivaraja
Government Advocate
For R1 and R2

W.P(MD) No.21692 of 2023:

Arockiam ...Petitioner
Vs.

1. The District Collector,
Sivagangai District.
2. The Block Development Officer
(Village Panchayat)
Kalayarkovil Union,
Sivagangai District.
3. The President,
Kollamgudi Panchayat,
Kalayarkovil Union,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for records in impugned order of the second respondent in Na.Ka.No.FB3/299/2018, dated 31.08.2023 and quash the same as illegal.

For Petitioner : Mr.S.Kumar
For Respondents : Mr.G.Sivaraja
Government Advocate
For R1 and R2



**W.P.(MD).Nos.22529, 21692, 21693,
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W.P(MD) No.21693 of 2023:

Arumugam

Vs.

...Petitioner

1. The District Collector,
Sivagangai District.
2. The Block Development Officer
(Village Panchayat)
Kalayarkovil Union,
Sivagangai District.
3. The President,
Gowripatti Panchayat,
Kalayarkovil Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for records in impugned order of the second respondent in Na.Ka.No.FB3/299/2018, dated 31.08.2023 and quash the same as illegal.

For Petitioner	: Mr.S.Kumar
For Respondents	: Mr.G.Sivaraja Government Advocate For R1 and R2

W.P(MD) No.21681 of 2023:

Joseph

...Petitioner



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**W.P.(MD).Nos.22529, 21692, 21693,
21681 and 21682 of 2023**

Vs.

1. The District Collector,
Sivagangai District.
2. The Block Development Officer
(Village Panchayat)
Kallal Union,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records of the impugned order passed by the first respondent in Na.Ka.R2/19989/2023, dated 24.07.2023 and consequently order passed by the second respondent so far as the petitioner village is concerned vide Na.Ka.No.B3/170/2023, dated 24.08.2023 and quash the same.

For Petitioner	: Mr.RM.Arun Swaminathan
For Respondents	: Mr.G.Sivaraja Government Advocate

W.P(MD) No.21682 of 2023:

1. Thiruvvasagam
2. Shanmugapriya

...Petitioners

Vs.

1. The District Collector,
Sivagangai District.



**W.P.(MD).Nos.22529, 21692, 21693,
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2. The Block Development Officer
(Village Panchayat)
Kalayarkovil Union,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, call for the records of the impugned order passed by the first respondent in Na.Ka.R2/19989/2023, dated 24.07.2023 and consequently order passed by the second respondent so far as the petitioners village are concerned vide Na.Ka.No.B3/299/2018, dated 31.08.2023 and quash the same.

For Petitioners	: Mr.RM.Arun Swaminathan
For Respondents	: Mr.G.Sivaraja Government Advocate

COMMON ORDER

The present writ petitions have been filed questioning the jurisdiction of Block Development Officer (Village Panchayat) to effect an order of transfer. The learned Single Judge of this Court in W.P.(MD) Nos. 9265 and 9305 of 2022, by order, dated 28.10.2022 had categorically found that the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules,



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2013 has been stayed by this Court and therefore, the Block Development Officer will not have any jurisdiction to effect the transfer of Village Panchayat Assistants. However, under the impugned order, the second respondent herein has effected the order of transfer, dated 31.08.2023 and 24.08.2023.

2. The learned Government Advocate appearing for the respondents 1 and 2 brought to the notice of this Court that new Service Rules have been framed namely, the Tamil Nadu Village Panchayat Secretaries (Conditions of Service) Rules, 2023 and they have been notified under G.O.(Ms) No.113 (Rural Development and Panchayat Raj (E5) Department, dated 13.09.2023 and as per the said Service Rules, the Block Development Officer has been empowered to effect the transfer orders. However, it is seen, that the present impugned order has been passed on 31.08.2023 which is one month prior to G.O.(Ms) No.113, dated 13.09.2023.



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3. In view of the above said reasons, the impugned transfer orders are set aside on the ground that the second respondent has no jurisdiction to pass such orders. In the light of the above said facts, these writ petitions stand allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

17.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Collector,
Sivagangai District.
2. The Block Development Officer
(Village Panchayat)
Kalayarkovil Union,
Sivagangai District.
3. The Block Development Officer
(Village Panchayat)
Kallal Union,
Sivagangai District.



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R.VIJAYAKUMAR,J.

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17.10.2023