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W.P.No.1759 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1759 of 2024 and
W.M.P.No.1814 of 2024

R. Rajkumar

...Petitioner

Vs

1. The Superintendent of police,
Myladuthurai District,
Myladuthurai.

2. The Deputy Inspector General of Police,
Thanjavur Range, Thanjavur.

3. The Inspector General of Police,
Central Zone, Trichy.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the impugned order passed by him in D.O.No.03/2024 in C.No.A1/15438/2023 dated 02.01.2024, quash the same and direct the Respondents to retain the petitioner at Myladuthurai Police Station, Myladuthurai District and pass orders.

For Petitioner : Mr. M. Venkataramani, Senior counsel

for Mr.S.Sarath Kumar

For Respondent : Mr. Stalin Abhimanyu
Special Government Pleader



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ORDER

This petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the impugned order passed by him in D.O.No.03/2024 in C.No.A1/15436/2023 dated 02.01.2024, quash the same and direct the Respondents to retain the petitioner at Myladuthurai Police Station, Mayladuthurai District.

2. The facts of the case is that the petitioner is working as a Grade II Police constable attached to Manalmedu Police Station. It is pertinent to note that in the area where the petitioner is serving as a Police constable, several persons involve in the act of theft of sand and other illegal arrack business. It is stated that the concerned Inspector of Police will give preference to the police officials belonging to his community and will punish the police officials belonging to other community. The Duty Roaster of Manalmedu Police Station will speak about the fact that the Inspector of police was involved in communal practice by giving preference to his community people. When this being the case there is a mafia gang involving in the commit of theft of sand from the river band,



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as the petitioner was very honestly discharging his duties, the mafia gang in order to prevent the petitioner from functioning in the Special Branch sent numerous anonymous petitions alleging that the petitioner is acting against the Police administration. As a result of which, the first respondent has passed the transfer order transferring the petitioner from Mayiladuthurai District to Trichy District on 02.01.2024 in D.O.No 03/2024 in C.No.A1/15438/2023. Aggrieved over the same, the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that even as per the transfer policy of the Government, if there is an allegation against an individual, which necessitates for a transfer, there must be a proper enquiry conducted in order to prove the allegations and once the allegations are held substantiated, then only he can be transferred. Hence, prays to allow this petition.

4. The learned Special Government Pleader appearing for the respondents submits that the third respondent has sent a letter today i.e on 15.11.2024 wherein it has been stated that the petitioner will be



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posted at District Crime Record Bureau (DCRB) at Thanjavur.

5. At this juncture the learned counsel for the petitioner submitted that if the respondents initiate disciplinary proceedings against the petitioner in future, all the documents relating to the charges should be furnished to the petitioner.

6. Considering the facts and circumstances of the case and the submission made by either side and the letter of the Additional Government Pleader i.e on 15.11.2024, that the petitioner will be posted in Thanjavur Region, the order passed by the first respondent on 02.01.2024 in D.O.No 03/2024 in C.No.A1/15438/2023 is hereby quashed. The respondent are directed to conduct proper enquiry and provide an opportunity of hearing and furnish all the relevant documents to the petitioner, if they initiate disciplinary proceedings against the petitioner.



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7. With the above observations this writ petition stands allowed. No order as to costs.

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Index:Yes/No
Speaking order/Non-speaking order
smn

To.

1. The Superintendent of police,
Myladuthurai District,
Myladuthurai.
2. The Deputy Inspector General of Police,
Thanjavur Range, Thanjavur.
3. The Inspector General of Police,
Central Zone, Trichy.

V.BHAVANI SUBBAROYAN,J.



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