



W.P No.9726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P No.9726 of 2024

P.Muniyappan

.. Petitioner

-VS-

1.The Home Secretary

Commercial Taxes and Registration Department
Government of Tamil Nadu
Secretariat, Chennai - 600 009.

2.Inspector General of Registration

No.100, Santhome High Road
Raja Annamalaipuram, Chennai-600 028.

3.The Director

Vigilance and Anti-Corruption Wing
No.293, M.K.N.Road
Alandur, Chennai - 600 016.

4.P.Kanagaraj

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Quo-Warranto directing for removal of the 4th respondent from the post of District Registrar, Salem District (East and West) based on petitioner's representation letter dated 20.01.2024.

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For the Petitioner : Mr.A.Ramesh Manikandan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.T.K.Saravanan
Government Advocate-for R1&R2

Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by Mr.R.Sylvester John
-for R3

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Ramesh Manikandan, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate for the respondents 1 and 2, and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.R.Sylvester John for the third respondent.

2. The present writ petition is filed with a prayer that the fourth respondent may not be posted as District Registrar, Salem District (East and West).



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3. Learned Additional Public Prosecutor submits that the criminal action against the fourth respondent is dropped as no witness had supported the prosecution case, however departmental action was recommended by the Director of Vigilance.

4. Learned State Government Pleader submits that from 2020 onwards the fourth respondent was transferred to many places.

5. In service jurisprudence, the concept of Public Interest Litigation is alien, except a writ of Quo-Warranto. In the present case, the petitioner is not seeking for a Writ of Quo-Warranto.

6. It is for the authorities to consider where the person should be posted. However, if departmental action is being initiated, it is also the responsibility of the authorities to consider that the witnesses are not influenced because of the posting of the person in a particular place. It is for the authorities to take a decision for posting the fourth respondent at appropriate place.



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7. The writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

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Index : Yes/No

Neutral Citation : Yes/No

kst



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THE HON'BLE CHIEF JUSTICE
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