



W.P.(MD).No.20444 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20444 of 2024

and

W.M.P(MD) Nos.17345 and 17346 of 2024

Subha

... Petitioner

Vs.

1. The Inspector of Panchayats/
The District Collector,
Kanyakumari District,
Nagercoil.
2. The Assistant Director (Panchayats),
Kanyakumari District,
Nagercoil.
3. The Block Development Officer,
Thuckalay,
Kanyakumari District.
4. The President,
Nullivilai Village Panchayat,
Thuckalay Panchayat Union,
Kanyakumari District.

5. K.Selvaraj

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of transfer passed by the first respondent vide his proceedings in Se.Mu.Aa.No.A1/2408/2024, dated 12.07.2024 and to quash the same as illegal and consequently directing the respondents herein to permit the petitioner to discharge her duties as Secretary of Nulliviilai Panchayat, Thuckalay Panchayat Union, Kanyakumari District.

For Petitioner	: Mr.D.Srinivasaragavan
For R1 and R2	: Mr.S.Shaji Bino Special Government Pleader
For R3 and R4	: Mr.P.Subbaraj, Special Government Pleader

ORDER

The present Writ Petition has been filed by a Panchayat Assistant, challenging the order of transfer passed by the first respondent herein on the ground that the petitioner has been transferred from one Panchayat to another Panchayat without consulting the Executive Authority of the concerned Panchayat.



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2. The petitioner has further contended that as per Reference No.1 in the transfer order, some allegations have been imputed to the writ petitioner based upon the complaints given by Fishermen Community. However, a perusal of the impugned order reveals that it is not applicable to the writ petitioner, because she is not in Stationed in a coastal area.

3. The Proviso under Section 104 of Tamil Nadu Panchayat Act has already been deleted and therefore, prior consultation with the Executive Authority of the concerned Panchayat is no longer mandatory. Therefore, the grounds raised by the petitioner are not legally sustainable and there are no merits in the writ petition.

4. It is the further contention of the learned counsel for the writ petitioner that the petitioner's transfer order has not at all been served upon her and she came to know about the transfer order only when in-charge Officer informed the same.



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5. In view of the above said facts, the respondents authorities are directed to serve the transfer order to the petitioner. On receipt of the same, the petitioner can join in the new place.

6. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

29.08.2024

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