

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.33784 and 32542 of 2014

And

M.P.No.1 of 2014

Venu Gopal
R.V.Narayanan

... Petitioner in W.P.No.33784 of 2014

... Petitioner in W.P.No.32542 of 2014

Vs.

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Vepery, Chennai.

2.The Assistant Commissioner of Police,
O/o.The Commissioner of Police,
Vepery, Chennai.

3.P.V.Narayanan ... Respondents in W.P.No.33784 of 2014

The Assistant Commissioner of Police, (Welfare)
O/o.The Commissioner of Police, Vepery,
Chennai -7. ... Respondent in W.P.No.32542 of 2014

Prayer in W.P.No.33784 of 2014:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus forbearing the first and second respondent's from evicting the petitioner from the police quarters bearing No.3C block, Singarathottam, Old Washermenpet, Chennai - 21 as long as the allotment of the same in the name of the third respondent.

Prayer in W.P.No.32542 of 2014:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 17.11.2014 within a stipulated time as this Hon'ble Court fixes.

For Petitioner : Mr.O.R.Abul Kalaam in W.P.33784/14
Mr.C.Prakasam in W.P.32542/14

For Respondents : Mr.S.Gunasekaran
Government Advocate

C O M M O N O R D E R

Heard the learned counsels appearing for the petitioners and the learned Government Advocate appearing for the respondents.

2.The petitioner in W.P.No.32542 of 2014 is the son of the petitioner in W.P.No.33784 of 2014. The son is a Traffic Police Constable working in the respondent police department and he seeks to consider the representation given to the Assistant Commissioner of Police(Welfare), Chennai to vacate the parents who are residing in the official quarters allotted to the petitioner. The petitioner in W.P.No.33784 of 2014 is the father who has filed the writ petition for a direction to forbear the first and second respondent's from evicting the petitioner from the police quarters.

3.Admittedly, the father is not a police constable or a police officer and son alone is the Police Constable and he alone is entitled to the quarters. If the father and mother are residing with the son probably, they can continue to stay there. The allegations made by the son is that the parents have thrown him out and they have filed petition claiming maintenance under the provision of Section 125 Cr.P.C. and a sum of Rs.2,000/- is paid by him regularly and he is compelled to reside in a rental accommodation along with his wife and children. The father contended that all was well till his son was married and after he got married his attitude changed and drove away his parents. The police son has got another story that his father has driven him away from the quarters and his father is gainfully employed as Security Officer and earning Rs.12,000/- per month.

4.This Court earlier issued interim direction on 10.02.2015 directing both the petitioners to appear before the Commissioner of Police, Chennai, so that enquiry could be conducted and order can be passed to resolve the entire controversy. In the meantime, the other writ petition has to be tagged along with and both are posted today.

5.In my view, the issue has to be sorted out making it clear unless and otherwise, the son is entitled to the quarters, father alone residing there without the son, does not arise. However, since there are other grievances, son is also working as Police Constable, this Court feels that the matter should be enquired into by the respondents so that appropriate action could be initiated.

6.Accordingly, there will be a direction to the Commissioner of Police, Chennai to nominate an Officer in the Cadre of Deputy Commissioner of Police to enquire both the petitioners and the third respondent after affording them reasonable opportunity and shall submit a report to the Commissioner of Police, Chennai, who in turn shall pass appropriate orders on merits and in accordance with law. The above directions shall be complied with, within a period of six weeks from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above observation.
No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pri

To

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Vepery, Chennai.

2.The Assistant Commissioner of Police,
O/o.The Commissioner of Police,
Vepery, Chennai.

+ 1 cc Government Pleader Sr.9633

+ 1 cc to Mr.C.Prakasam, Advocate SR.9727

W.P.Nos.33784 and
32542 of 2014
And
M.P.No.1 of 2014

JP(CO)
EU 05.03.2015

सत्यमेव जयते

WEB COPY