

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28532 of 2017

V.M.Malmurugan

.. Petitioner

-vs-

1. The Commissioner
Municipal Administration
Chepauk
Chennai 600 005

2. The Commissioner
Coonoor Municipality
Coonoor
The Nilgiris

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to second respondent's proceedings in Na.Ka.No.4270/2010/A4 dated 23.10.2017 and quash the same and direct the second respondent to allow the petitioner's family to stay in the staff quarters of Coonoor Municipality till April, 2018.

For Petitioner :: Mr.M.Muthappan

For Respondents :: Mr.P.Sanjay Gandhi
Additional Government Pleader for R1
Mr.P.Srinivas for R2

ORDER

This writ petition has been filed challenging the impugned order dated 23.10.2017 passed by the Commissioner of Coonoor Municipality directing the petitioner to vacate from the staff quarters.

2. Learned counsel for the petitioner submitted that the petitioner, who is working as Sanitary Inspector, has been transferred to Villupuram Municipality. Since he has been allotted staff quarters by the second respondent Municipality in March, 2013, he is unable to vacate the staff quarters due to the reason that his daughter and grandson are staying and

preparing for the studies.

3. But this Court finds no justification for the petitioner to approach this Court seeking an order to interfere with the direction to vacate from the staff quarters, as he has accepted the transfer order from Coonoor to Villupuram Municipality. Secondly, the reason given by the petitioner in the affidavit filed in support of the writ petition shows that although he has joined in the transferred place, his daughter and her son are studying in the school at Coonoor, therefore, it is very difficult to shift his family. When the petitioner's daughter and her son are staying, he cannot ask for a direction not to be evicted from the staff quarters, as it has to be allotted to the other Sanitary Inspector who is transferred to Coonoor Municipality. Hence, the writ petition fails and it is dismissed. Consequently, W.M.P.No.30672 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner
Municipal Administration
Chepauk
Chennai 600 005

2. The Commissioner
Coonoor Municipality
Coonoor
The Nilgiris

+1cc to Mr.M.Muthappan Advocate, S.R.No. 79124/17

+1cc to Mr.P.Srinivas Advocate, S.R.No. 79851

TR(22/11/2017)