

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5053 of 2018

Mr.S.Shanmugavelan .. Petitioner

-vs-

1. The Deputy Collector (Revenue)
North-cum-Estate Officer
Puducherry
2. The Superintendent of Police (HQ)
Puducherry .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records on the file of first respondent impugned show cause notice of the office of the Deputy Collector (Revenue)- North-cum-Estate Officer, Puducherry/386 dated Nil and quash the same.

For Petitioner :: Mr.S.Vijay

For Respondents:: Mr.J.Kumaran
Government Advocate (Pondy)

ORDER

This writ petition has been filed challenging the impugned show cause notice issued by the first respondent under sub-section (1) and clause (b)(ii) of sub-section (2) of Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 directing the petitioner to vacate from the official quarters, as he has been overstaying in the B-49 (Type-II) Shanmugapuram Police Complex, Puducherry, after the petitioner has been dismissed from service by an order dated 4.10.2016 for the proven misconduct. After passing of the dismissal order, which has not even been questioned, the petitioner was also issued with a consequential order directing him to vacate from the official quarters, as he has been overstaying continuously. Learned counsel for the petitioner, after some arguments, pleaded that the writ petition challenging the correctness of the dismissal order has not been listed for hearing. That shows that he has been dismissed from service. Therefore, when the petitioner ceased to be a Police Constable, he cannot come to this Court seeking stay of the order directing him to vacate from the official quarters. Hence, the writ petition is

dismissed. If the petitioner does not vacate from the official quarters in question within 24 hours, the Superintendent of Police (HQ), Puducherry, the second respondent herein shall take steps to vacate the petitioner from the official quarters with reasonable force, if necessary. Consequently, W.M.P.Nos.6232 & 6233 of 2018 are also dismissed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Collector (Revenue)
North-cum-Estate Officer
Puducherry

2. The Superintendent of Police (HQ)
Puducherry

+1cc to Government Pleader, Puducherry Sr.No.17807

sm:21.3.2018

W.P.No.5053 of 2018

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