

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.1767 of 2014

and M.P.No.1 of 2014

1.The Commissioner of Police
Office of the Commissioner of Police
Egmore, Chennai 600 008.

2.The Deputy Commissioner of Police
(Headquarters)
Chennai City Police, Chennai. ... Appellants/Respondents

Vs.

E.Asdulla Khan ... Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 30.10.2013 made in W.P.No.29563 of 2013 on the file of this Court.

W.P.No.29563 of 2013:

Petition filed Under Article 226 of the Constitution of India, calling for the records of the impugned communication in Na.Ka.No. Cut 293/1002/ 1017/2013, dated 14.10.2013 passed by the second respondent and to quash the same and consequently direct the respondents to consider the representation of the petitioner dated 9.9.2013 on the basis of the Circular Memorandum Rc.No.114859/ Building.IV (2)/2000, dated 4.7.2000 thereby allotting the police quarters in favour of the petitioners son A.K.Alikhan, Constable at Tamilnadu Special Police, 3rd Battalion at Veerapuram G Compay, Avadi, Chennai

For Appellants : Mr.P.H.Aravind pandian AAG Assist by
Mrs.A.Sri Jayanthi
Special Government Pleader

For Respondent : Mr.O.M.Prakash
Senior Counsel
for Mr.P.Elayaraj Kumar
for M/s Ramalingam Associates

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]

The respondent was allotted a residential quarters by the Police Department taking into account his employment at Chennai. The respondent continued to occupy the residential accommodation even after his retirement. The respondent submitted a petition before the Commissioner of Police, requesting to permit him to continue to occupy the police quarters on the ground that his son is presently serving in the Tamil Nadu Special Police Battalion at Veerapuram and as such, he is eligible to the benefit conferred by the Circular issued by the Director General of Police permitting such occupation. The writ petition was allowed by the learned single Judge. The order is under challenge at the instance of the Commissioner of Police, Chennai.

2. This matter was heard by us on 06 March, 2018. When a query was raised to the learned Senior Counsel for the respondent as to how the respondent could be permitted to occupy the quarters even after his retirement when there are other Officers who are waiting for allotment of quarters, the learned Senior Counsel submitted that he would take instructions and file an affidavit.

3. When the appeal is taken up for hearing today, the learned counsel for the respondent filed a memo dated 21 March, 2018 indicating that the respondent is withdrawing the writ petition in W.P.No.29563 of 2013. The learned counsel submitted that the respondent has already approached the Commissioner of Police to permit him to occupy the quarters for a reasonable period, as he is presently undergoing dialysis thrice in a week. Since the respondent himself is withdrawing the writ petition in W.P.No. 29563 of 2013, there is nothing to agitate in the present appeal.

4. The order dated 30 October, 2013 is set aside in view of the withdrawal of the writ petition in W.P.No.29563 of 2013.

The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Commissioner of Police
Office of the Commissioner of Police
Egmore, Chennai 600 008.

2.The Deputy Commissioner of Police
(Headquarters)
Chennai City Police, Chennai.

+1cc to the Government Pleader, S.R.No. 22302

W.A.No.1767 of 2014

SJ(CO)
TR(19/04/2018)



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