

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 9088 of 2013
and
M.P.No.1 of 2013

Tmt.A.Manjula

...Petitioner

Vs

The Commissioner,
Coimbatore Corporation,
Town Hall,
Coimbatore 641 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the proceedings of the respondent order Na.ka.No.8472/2009/MC7 dated 07.02.2013 and quash the same, consequently direct the respondent to allow the petitioner to reside the Corporation quarters which is situated at the 361, C.M.C.Housing Board, Thadagam Road, Coimbatore.

For Petitioner : M/s.P.Saravanan

For Respondents: Mr.J.Sathyanarayana prasad

ORDER

The order impugned dated 07.02.2013 directing the writ petitioner to vacate the official quarters allotted to her by the Coimbatore City Municipal Corporation is under challenge in the present writ petition.

2. Admittedly, the writ petitioner is now working as a Sanitary Worker at Corporation, Coimbatore. On 19.12.2011, the petitioner was allotted with the residence at C.M.C Housing Board, Thadagam Road, Coimbatore. Right from the date of allotment, the writ petitioner is residing in the said quarters along with her family. The allotment of the official residents

was granted to the writ petitioner pursuant to the request made by her on 02.12.2011.

3. The Learned Counsel appearing on behalf of the respondents states that, the allotment of a residential quarters was provided to the writ petitioner based on her own request and the allotment itself was made on temporary basis. Therefore the writ petitioner is liable to be vacated from the quarters allotted to her. It is further contended that the allotment order itself states that, the allotment was made temporarily and in the even of any administrative reasons the petitioner should vacate the premises and hand over the key to the Assistant Engineer concerned.

4. Undoubtedly, the allotment order dated 19.12.2011 states that the allotment was made in favour of the writ petitioner on certain terms and conditions. The terms and conditions stipulates that the allotment was made temporarily. In the event of any administrative necessity, the petitioner has to vacate the premises as per the orders of the Competent Authority and the premises cannot be sublet. These all are the conditions imposed and this Court is of an opinion that the respondents have not substantiated any one of conditions for the purpose of passing the impugned order. Though the initial order was temporary in nature, the order directing the writ petitioner to vacate the premises can be passed with reasons. However, except the word administrative reason, no convincing reasons are provided for the purpose of passing the impugned order. Even in case of such decision the Competent Authorities are bound to substantiate the reasons. It is not as if they can provide allotment and the cancellation of allotment at their whims and fancies. The official accommodations ought to be granted strictly in accordance with the terms and conditions stipulated for allotment. All allotments are to be made based on the seniority and the seniority is to be maintained in the register properly and accordingly the allotments are to be made. In case an erroneous allotment was made on certain special circumstances the reasons must be recorded in writing, so also in the cancellation. Request application is a condition for seeking allotment. Therefore, all the employees who wishes to seek accommodation have to submit an application. Thus the same cannot be the reason for issuing the order to vacate the premises.

5. However, the respondents have not substantiated any convincing reasons for the purpose of passing an impugned order. Even in the counter, the respondents have not substantiated the reasons for cancelling the allotment made in favour of the writ petitioner. However, this court is of an opinion that it is not as if the petitioner can vacate the premises at her own. The

administrative reasons ought to be provided with reasons and if any speaking orders are passed in future the same can be followed. However, the writ petitioner need not be vacated the premises on account of the fact that the respondents have not provided any valid reason for the purpose of passing the impugned order. This apart the writ petitioner is continuing in service and therefore, she is entitled for an official accommodation. This being the factum of the case, the impugned order passed by the respondent in order No. Na.ka.No.8472/2009/MC7 dated 07.02.2013 is quashed. The writ petition stands allowed. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jas/pkn

To

The Commissioner,
Coimbatore Corporation,
Town Hall,
Coimbatore 641 001.

+1 cc to Mr.P.Saravanan, Advocate SR.No.74614

+1 cc to Mr.J.Sathya Narayana Prasad, Advocate Sr.No.74272

W.P.No. 9088 of 2013

GJ-II(CO)
CSL/30.11.2018

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