



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.8575 of 2015

and

M.P. (MD) No.1 of 2015

K.Rajeevan

... Petitioner

vs.

1.The General Manager
Ordnance Factory
Tiruchirapalli

2.Works Manager / Admin
Ordnance Factory, Tiruchirapalli

3.The Hindi Officer / Estate Officer
Ordnance Factory, Tiruchirapalli

4.Suresh

... Respondents

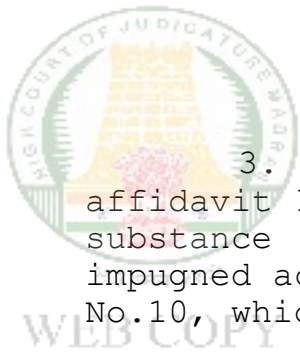
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to the order passed by the third respondent dated Nil.04.2015 culminating in the ensuing order No.7851/Y&E, dated 17.05.2015, quashing the same.

For Petitioner : Mr.S.K.Mani
For Respondents : Mr.K.R.Laxman for R1 to R3

O R D E R

The petitioner was working as Turner (Semi Skilled) in the respondent - Factory. He was allotted Type - II Quarter bearing No.254B as per his eligibility. The grievance of the petitioner is that by the impugned order, dated 17.05.2015, the third respondent had changed his Quarter from 254B to 244B and directed him to vacate the Quarter bearing No.254B, on the ground of breach of estate discipline and Quarter Allotment Rules. Challenging the same, the petitioner is before this Court.

2. According to the learned counsel appearing for the petitioner, the fourth respondent has been a constant trouble maker disturbing the peaceful possession and enjoyment of the Quarter under the petitioner's occupation and it appears that some complaints have been filed against each other before the first respondent, which necessitated the official respondents to reallocate the petitioner and the fourth respondent to other Quarters.



3. In response to the writ petition, a detailed counter affidavit has been filed on behalf of the respondents 1 to 3. The substance of the counter affidavit, which formed the basis of the impugned action taken against the petitioner, is stated in Paragraph No.10, which is extracted hereunder:

"10. With regard to para (9) of the writ petition, it is submitted that Smt.Vithya, w/o.Shri M.Suresh vide her representation dated 06.02.2015 [copy enclosed] reported obscenity against Shri K.Rajeevan and also stated that Shri K.Rajeevan along with his wife pass sarcastic comments on her. Shri M.Suresh vide his letter dated 31.01.2015 [copy enclosed] complained that strangers come to cut the banana trees grown at the quarters of Shri K.Rajeevan and they enter into his house for cutting the banana trees. On receipt of these complaints a self contained letter dated 28.02.2015 [copy enclosed] mentioning the allegations was issued to Shri K.Rajeevan calling for his explanation. Subsequently a reminder dated 10.03.2015 was issued. In reply to this Shri K.Rajeevan submitted his explanation vide his letter dated 20.03.2015 denying the allegations and enclosing his earlier complaints against Shri M.Suresh. As frequent complaints were being received from the both the individuals, Security officer in his note dated 07.02.2015 [copy enclosed] to the General Manager stated that now-a-days, the problem has become a very regular affair between the complainant Shri M.Suresh and Shri K.Rajeevan and recommended that both the parties be allotted first floor accomodation at separate cross roads to ensure their comfort, ease and peace of life at the earliest.

As per Statutory Rules and Orders No.149 of quarter allotment rules,

"Where the allotment of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with neighbours, the officer, at the discretion of the allotting authority, may be allotted another residence in the same class at any other place [copy enclosed].

Also as per Supplementary Rules No.317-B-7(2)-

"The Director of Estates may cancel the existing allotment of an officer and allot to him an alternative residence of same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation of the officer, if the



residence in occupation of the officer is required to be vacated [copy enclosed]."

4. From the above, it is very clear that there appears to be a constant quarrel between two neighbours, namely, the petitioner and the fourth respondent, which resulted in violation of the Quarter Allotment Rules and its Supplementary Rules as extracted above. Therefore, it was well within the right of the official respondents to relocate the petitioner and the fourth respondent in order to find out solution to the constant berating of each other disturbing peace of the entire neighbourhood and causing nuisance and annoyance.

5. Although the learned counsel appearing for the petitioner attempted to argue that the impugned order has been passed without following proper procedure, however from the detailed averments contained in the counter affidavit and the materials disclosed on behalf of the official respondents, it is clear that the impugned action had become necessary in order to find out solution to the constant quarrel engaged by both the petitioner as well as the fourth respondent. Therefore, this Court does not find any infirmity in the impugned order passed by the third respondent relocating both the petitioner and the fourth respondent in order to avoid any further untoward incident as between them in maintaining peace in the neighbourhood.

6. For the above said reasons, this Court is of the considered view that the writ petition is devoid of merits and substance and the same cannot be entertained. The writ petition is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar(CS-IV)

TO

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