

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.01.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.41403 of 2005

M.A.Shanmugham

..Petitioner

vs

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Economic Offences Wing II
Salem

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining the penal rent recovery order of the first respondent in Na.Ka.No.R3/30278/628-A/05 dated 16.08.2005 and quash the same in so far as the recovery order issued against the petitioner is concerned.

For Petitioner : M/s.C.K.M.Appaji &
R.M.Meenakshi Sundaram

For Respondents : Mrs.R.Janaki AGP

O R D E R

The order of Penal Rent Recovery issued by the 1st respondent in proceeding dated 16.08.2005 is under challenge in the present writ petition.

2. The petitioner states that he was working as Constable in Economic Offences Wing II, Salem District. The petitioner had been transferred to various Police stations in some other District during the year 1994 and the Department had allotted a Government quarters in No.5, Line Medu, Salem-6, wherein the petitioner was residing along with his family.

3. During the year 1997, the Salem Municipality was conferred with the status of Corporation and the Police Commissioner was appointed in Salem City. Consequent to the bifurcation, the Police units were divided and the Police

personnel working within the city limit were brought under the control of the Commissioner of Police, Salem and the Police Personnel working in other areas within the District were under the Control of Superintendent of Police, Salem District.

4. The writ petitioner states that he was working in Economic Offences Wing, Salem as Head Constable. The Police Station premises is 5 k.m. from city limit, therefore, he is entitled to continue in quarters. The question of distance would not arise at all in this case, in view of the fact that the petitioner was working outside the Salem city jurisdictional limits. The only point to be considered in the present writ petition is that whether the writ petitioner was working within the Salem city or outside the Salem city limits.

5. Admittedly, the writ petitioner was working in the Police Station situated beyond the territorial jurisdiction of the Salem city and therefore, he is not entitled to continue in the Police quarter allotted to him within the city. Even otherwise, the writ petitioner ought to have obtained permission from the Higher Officials for his continuance in the Police quarters. In the absence of any specific permission or order from the competent authorities, the writ petitioner cannot continue in the Police quarters when he was serving outside the limits of the Salem city.

6. In view of the fact that the writ petitioner was serving outside the Salem city respondents issued the order imposing Penal Rent for occupation of the Police quarters beyond the period. Thus, this Court is of an opinion that there is no irregularity in respect of the penal rent imposed as writ petitioner was not working within the Salem city limits during the relevant point of time. Accordingly, the order impugned is in accordance with the Government Policy. In this view of the matter the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To,

1. The Superintendent of Police,
Salem District, Salem.

2. The Inspector of Police,
Economic Offences Wing II
Salem.

+1cc to M/s.C.K.M.Appaji, Advocate sr.no.5718

+1cc to The Government Pleader sr.no.6508

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nr 25/02/2019



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