

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.15182 of 2019  
and  
W.M.P.No.15165 of 2019

M.Balaji

... Petitioner

-Vs-

1.The Commissioner of Police,  
Vepery, Chennai - 600 007.

2.The Deputy Commissioner of Police,  
Head Quarters, Greater Chennai Police,  
Chennai - 600 008.

3.The Estate Officer/Additional Deputy  
Commissioner of Police,  
Estate Welfare & Community Policing,  
Greater Chennai Police,  
Chennai - 600 007.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to C.No.23/ADC/EW & CP/FN/2019 dated 17.05.2019 passed by the third respondent and quash the same and direct the third respondent to allow the petitioner to reside in the government quarters at Door No.F-15, Pudupet Police Quarters, Chennai - 2, until the outcome of W.P.No.26664 of 2015.

For Petitioner : M/s.N.Fidelia

ORDER

The writ petition has been filed against the order of the 3<sup>rd</sup> respondent dated 17.05.2019 in C.No.23/ADC/EW & CP/FN/2019 seeking to evict him from the Government Quarters at Door No.F-15, Pudupet Police Quarters, Pudupet, Chennai - 2 under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Rules, 1978.

2.The petitioner, while working in police service, was removed from service on 31.05.2011. Even after the removal from service, the petitioner continued to occupy the Government Quarters till then and therefore, he was issued in the eviction order, which is the subject matter of the challenge in the present writ petition.

3.According to the petitioner, the removal from service has been challenged before this Court in W.P.No.26664 of 2015 and the same is pending. The petitioner therefore challenging the eviction order stating that his removal from service under challenge before this Court and he cannot be evicted till the decision is taken in the writ petition.

4.This Court is unable to appreciate the challenge made by the petitioner on two counts. Firstly, the petitioner has an alternative remedy under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act/Rules, wherein he can challenge the order of eviction before the appropriate forum. Secondly, when the petitioner was removed from service as early as on 31.05.2011, he cannot claim any right to occupy the quarters even after eight years. Therefore, this Court is of the view that the petitioner is not entitled to maintain the writ petition, more so, when there is an effective alternative remedy provided under the Act. In case, the petitioner chooses to avail the appellate remedy provided under the relevant statute, the above observation made by this Court shall not stand in the way of adjudication of the remedy to be availed by the petitioner.

5.With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,  
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,  
Head Quarters, Greater Chennai Police,  
Chennai - 600 008.

3. The Estate Officer/Additional Deputy  
Commissioner of Police,  
Estate Welfare & Community Policing,  
Greater Chennai Police, Chennai - 600 007.

+1cc to the Govt.Pleader, Vide Sr.No.45354

W.P.No.15182 of 2019

Kak (21/06/2019)



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