

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE **V.PARTHIBAN**

W.P.No.12982 of 2020
& WMP No.16067 of 2020

M.Sadasivam

.. Petitioner

Vs.

1.The Director,
Human Resources Department,
NLC Limited, Neyveli,
Cuddalore District.

2.The General Manager,
Township Administration,
Neyveli Lignite Corporation Limited,
Neyveli, Cuddalore District.

3.The Estate Officer,
Eviction Authority/Assistant
Township Administrator,
Township Administrative Officer,
Neyveli Lignite Corporation Limited,
Neyveli, Cuddalore District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents from taking any action to evict the petitioner from his quarter No.B-12, Sreenivasan Road, Block-13, Neyveli Township, Neyveli -607803, Cuddalore District before settling his retirement benefits as directed by this Court vide order dated 03.06.2020 made in WP.No.29844 of 2016.

For Petitioner .. Mr.T.P.Prabakaran
For Respondents .. Mr.N.Nithyanantham

ORDER

This matter is taken through Web hearing.

2. This Writ Petition has been filed seeking for issuance of a Mandamus to forbear the respondents from taking any action to evict the petitioner from his quarter No.B-12, Sreenivasan Road, Block-13, Neyveli Township, Neyveli-607803, Cuddalore District before settling his retirement benefits as directed by this Court vide order dated 03.06.2020 made in WP.No.29844 of 2016.

3. The petitioner was working as SME Operator in the respondent Corporation. On the basis of disciplinary action initiated against him, he was dismissed from service on 24.03.2014. The said order of dismissal was put to challenge in WP.No.29844 of 2016. This Court, while admitting the Writ Petition, has ordered notice.

5. As the consequence of the dismissal order, the third respondent appears to have issued an eviction order on 07.07.2014, to evict from the quarters occupied by the petitioner. The petitioner once again approached this Court, challenging the eviction order from the quarters in WP No.19060 of 2014. However, this Court on 22.07.2014 disposed of the Writ Petition by directing the petitioner to file an appeal under Section 7 of the Tamilnadu Public Premises (Eviction and Unauthorized Occupants) Act 1975 and also directed the respondent Corporation not to implement the order of eviction till the appeal remedy is resorted to.

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6. Thereafter, the petitioner appears to have filed an appeal in CMA No.14 of 14 before the Principle District Court Cuddalore. The petitioner

also filed I.A.No.156 of 2014 praying for stay of eviction order pending disposal of Civil Miscellaneous Appeal. After hearing rival parties, the Principal District Judge, Cuddalore dismissed the Civil Miscellaneous Appeal on 07.06.2017 as being without any merits. The petitioner once again approached this Court in WP No.28486 of 2017 challenging the judgment and decree passed in the above said Civil Miscellaneous Appeal. The petitioner also filed WMP.No.30602 of 2017 praying for stay of further proceedings pursuant to the decree passed in Civil Miscellaneous Appeal dated 07.06.2017. The Writ Petition as well as Writ Miscellaneous Petition came up for hearing before this Court on 08.11.2017 and this Court issued a direction to the Corporation to maintain status-quo as on date of the filing of WMP No.30602 of 2017.

7. The Writ Petition in W.P.No.28486 of 2017 challenging the decree passed in the aforesaid Civil Miscellaneous Appeal and it is still pending before this Court.

8. While so, the Writ Petition filed in WP.No.29844 of 2016

challenging the dismissal order, came up for final disposal on 03.06.2020 and after hearing the arguments both on behalf of the petitioner and the respondent Corporation ultimately, this Court allowed the Writ Petition by setting aside the order of dismissal dated 24.03.2014. This Court, further directed the Corporation to modify the punishment of dismissal to that of compulsory retirement. The respondent Corporation, finally passed the order modifying the punishment of dismissal as compulsory retirement vide its proceedings dated 06.07.2020. It is also transpired that subsequently, by a letter dated 29.07.2020 the respondent Corporation also demanded for payment of Rs.5,08,629.94 from the petitioner as the said amount is outstanding from him. In the meanwhile, on 03.09.2020 according to the petitioner, some employees of the respondent Corporation had come to the quarters occupied by the petitioner and demanded eviction of the same. Being aggrieved by the action taken by the officials of the respondent Corporation, the petitioner is before this Court.

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9. The learned counsel for the petitioner would submit that the direction is imperative, forbearing the respondents from taking any action

against the petitioner in evicting him. According to the learned counsel, the retirement benefits have not been settled to the petitioner though he has been compulsorily retired by proceedings of the Corporation dated 06.07.2020 and till such retirement benefits are settled, the petitioner cannot be evicted. Therefore, the present Writ Petition is filed to protect the interest of the petitioner till all the dues are settled to him by the respondent Corporation.

10. This Court is not inclined to entertain this Writ Petition for the simple reason that the petitioner has already approached this Court challenging the eviction order in CMA No.14 of 2014 by the Principal District Judge, Cuddalore on 07.06.2017 and WP.No.28486 of 2017 has also been filed and some interim order in W.M.P.No.30602 of 2017 has also been obtained. When the issue of his eviction is under consideration before this Court in another Writ Petition as indicated above, the question of filing the present Writ Petition seeking Mandamus to forbear the respondent Corporation from evicting the petitioner from quarters does not arise at all. If at all the petitioner is aggrieved by any unjust action by the respondent

Corporation, it is open to the petitioner to approach this Court for hearing of the Writ Petition in WP.No.28486 of 2017, which is pending finalization and it is certainly not open to the petitioner to file another Writ Petition for the same cause of action as this Writ Petition appears to be gross abuse of process of this Court.

11. In any event, it transpires from records that the petitioner is no more in service and suffered from compulsory retirement on 06.07.2020, which has become final in view of the earlier direction of this Court in W.P.No.29844 of 2016 dated 03.06.2020. Therefore, the petitioner cannot any further hold on to the quarters under his occupation. In any event, the occupation of the quarters whether it is legal or illegal during the period of punishment is to be worked out by the petitioner in the pending Writ Petition and not before this Court. Therefore, this Court does not find any merit in the Writ Petition and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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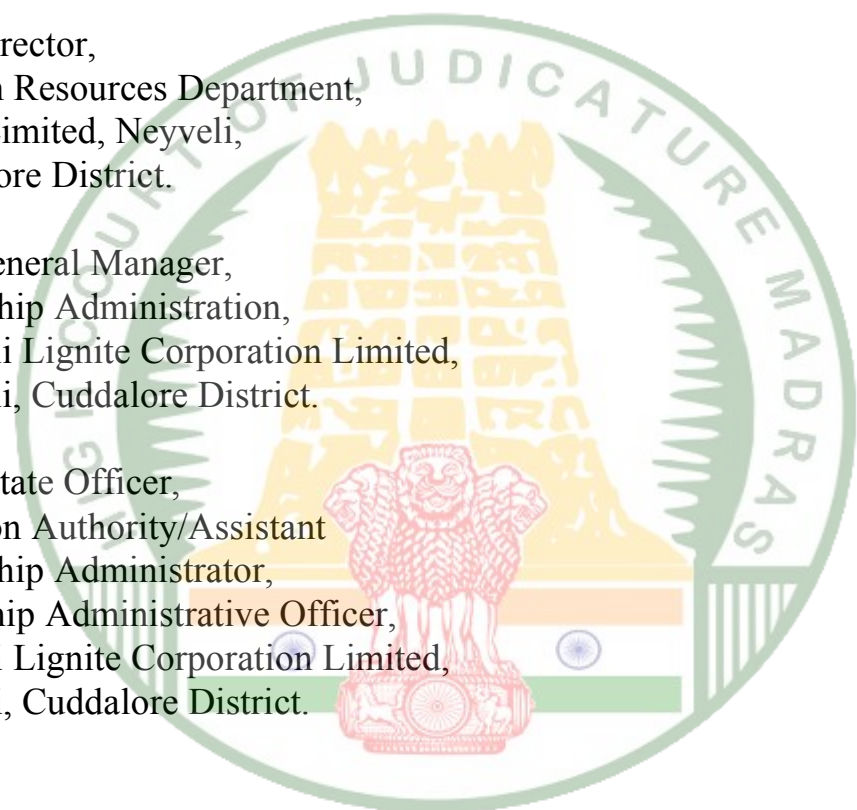
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Index: Yes/No

dn/suk

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The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The text "JUDICATURE MADRAS" is written in a green arc at the top. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The Indian national flag is also visible at the base of the emblem.

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V.PARTHIBAN, J.

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