



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.20269 of 2009 &

M.P.No.2 of 2009

G.Aruldas

... Petitioner

Vs

1.The Government of India,
Ministry of Defence (DGQA),
SR.Quality Assurance Estt (GS),
DGQA Complex, Palvanthangal PO,
Chennai-114.

2.The Senior Quality Assurance Officer,
SR.Quality Assurance Estt (Armts),
DGQA Complex, Palvanthangal PO,
Chennai-114.

3.The Chairman,
Quartering Committee,
SQAE (GS),
DGQA Complex, Palvanthangal PO,
Chennai-114.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, calling for records of the 1st respondent ending with Proceedings dt. 7.5.08 in No.009/AD/A and No.009/EMC/A dt. 6.2.09 and quash the same.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : No Appearance

O R D E R

There is no appearance for the respondents.

2. Mr.N.A.Nissar Ahmed, learned counsel for the petitioner would draw my attention to the fact that what is challenged are two orders, one dated 07.05.2008, calling upon



the petitioner to vacate the quarters at No.52/2, Type-I, DGQA Complex, Chennai ('quarters') by 16th May 2008 on administrative grounds and the second dated 06.02.2009, fixing the rental for the quarters at market value. The petitioner has superannuated in 2018, vacated the quarters and has handed over vacant possession to the respondents. Thus, according to Mr.Nissar, nothing survives in this writ petition.

3. The petitioner has however, being residing in the premises pending writ petition and till superannuation on the strength of an interim stay that was granted on 12.11.2009.

4. The respondents have filed a counter defending the impugned order on the ground that the petitioner was asked to de-quarter on account of his unacceptable behaviour in an inebriated condition in the premises in question. The reasons for asking the petitioner to de-quarter is also stated to have been communicated to him by letter dated 07.05.2008. However, after receipt of the aforesaid letter, the petitioner submitted a representation dated 13.05.2008 admitting his fault and requesting that he be permitted to continue in the same quarters. In light of his continuance in the premises in question, the market rent, as applicable came to be levied, this is, according to the respondents, as per applicable rules and procedures.

5. By virtue of the pendency of this writ petition from 2009, the petitioner has reaped the full benefit of the interim order of this Court and has continued in the premises without paying the revised rent. Learned counsel for the petitioner in the aforesaid circumstances, would, naturally, not find any necessity to pursue the writ petition.

6. Recording the aforesaid unfortunate position, this writ petition is closed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar



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PA(CO)
SB(01/10/2021)