



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.26839 of 2011
and
M.P.No.1 of 2011

P.Imelda

...Petitioner

Vs.

1. The Secretary Public Works (H2)
Department
Secretariat,
Fort St George
Chennai - 600 009.

2. The Executive Engineer,
PWD
South Presidency Division,
Chepauk,
Chennai - 600 005.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertain to the impugned order of the 1st respondent passed in No.35118/H2/07-1 dated 22.03.2010 and quash the same and further direct the respondents to refund the penal rent collected amounting to Rs.75,834/- with interest.

For Petitioner : Mr. S.Sabharish

For Respondents : Mrs. N.Senthil Selvi
Government Advocate.

O R D E R

The Writ on hand is filed challenging the order passed by the 1st respondent in proceedings dated 22.03.2010. The petitioner was allotted with PWD quarters at D-147, Todhunter Nagar, Saidapet in the year 1972. The petitioner was allowed to retire from her service on 30.06.2003, however, her service was extended till 31.05.2004. However, it is not in dispute that even after retirement, the petitioner continued in the said PWD quarters.



2. The learned counsel for the petitioner states that meanwhile, the daughter of the petitioner was employed in the Government service and therefore the petitioner has submitted a representation for extending the allotment. The case of the petitioner's daughter was considered and an allotment was made in favour of her on 01.06.2007, extending the allotment in her favour. It was a concession, however, the learned counsel for the petitioner states that rules permits to grant such allotment.

3. The period during which the petitioner stayed beyond her date of retirement has to be considered as over stay and without any authority. The petitioner retired on 31.05.2004 and the allotment in favour of her daughter was made only on 01.06.2007 and in between, the period of occupation is unauthorized. Therefore, the petitioner was imposed with penalty and the same was also recovered from the petitioner.

4. Under these circumstances, this Court do not find any infirmity or perversity in the order impugned, imposing penal rent for the unauthorized occupation of the PWD quarters by the Writ Petitioner.

5. Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

shr/kan

To

1. The Secretary Public Works (H2)
Department Secretariat,
Fort St George, Chennai - 600009.
2. The Executive Engineer,
PWD, South Presidency Division,
Chepauk, Chennai - 600005.

W.P.No.26839 of 2011

CP(CO)
RGA(20/12/2021)