



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.18187 of 2021

&

WMP (MD) Nos.15015 & 15016 of 2021

WEB COPY

N.Balamurugan

... Petitioner

Vs.

1.The Commandant,
TSP VIth Battalion,
Reserve line, Madurai-14.

2.The Deputy Commandant,
TSP VIth Battalion,
Reserve line, Madurai-14.

3.The Superintendent,
'C' Section,
TSP VIth Battalion,
Reserve line, Madurai-14.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned records of the 2nd respondent in Na.Ka.No.C4/799-4/2021 dated 13.08.2021 and quash the same and consequently direct the respondents to provide extension of 6 months time.

For Petitioner : Mr.K.Sivalingam

For Respondents : Mr.A.K.Manikkam,
Standing Counsel for State.

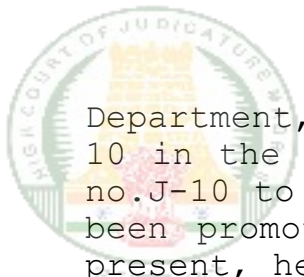
ORDER

This Writ Petition has been filed, praying for the issue of a Writ of Certiorarified Mandamus, to call for the impugned records of the 2nd respondent in Na.Ka.No.C4/799-4/2021 dated 13.08.2021, quash the same and consequently direct the respondents to provide extension of 6 months time.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, he was appointed as a Constable in the year 2000 at Madurai 6th Battalion and after joining the



Department, the second respondent had allotted quarters, i.e. no.J-10 in the year 2003. Thereafter, he was relocated from the quarter no.J-10 to C-2 quarters in the year 2009. In the mean time, he has been promoted as Sub-Inspector of Police in the year 2018 and at present, he is working as Sub-Inspector of Police in Motor Transport Department. Further, the second respondent has served a copy of the allotment order to the petitioner, directing the petitioner to vacate the present quarters i.e., no.B-3/25 and to occupy an another quarters, i.e. no.SI(new)-06. The writ petitioner has challenged the aforesaid allotment order before this Court.

5.The learned counsel for the petitioner has submitted that petitioner's wife fell ill-health due to Covid-19 situation and his family doctor has advised his wife to avoid stepping up the up-stair building since the petitioner's wife is taking fertility treatment.

6.As per Tamilnadu Special Police Manual, Sub Clauses 12 to 15 of Clause 77, clearly states that no person will occupy the Government Quarters for more than 30 days after he being transferred from the Battalion. The petitioner inadvertantly inducted into the quarters in no. B-3/25 and he has stated in the affidavit that his wife was suffering from Covid -19 and she was advised not to step up upstairs and in such circumstances, he was unable to shift into the newly allotted quarters and therefore, the petitioner seeks six months time to vacate the premises.

7.The aforesaid request of the petitioner seeking six months time to vacate the premises cannot be granted in the light of the allotment Rules. The petitioner has also not furnished any other details or particulars or any certificate to substantiate his claim as averred in the affidavit. However, on humanitarian grounds, this Court is inclined to grant one month time to the petitioner to vacate the premises and hand over the possession to the respondents from the date of receipt of the order subject to the payment of any arrears of rent before vacating the premises. If any delay on the part of the petitioner in handing over the said premises to the respondents, the respondents shall proceed in accordance with the Rules for eviction of the petitioner from the said premises.

8.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- To
- 1.The Commandant,
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Madurai-14.
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 - 3.The Superintendent,
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+1 CC to M/s.SPL.GP (SR-31515[F] dated 07/10/2021)

W.P(MD)No.18187 of 2021
06.10.2021

NSN(CO)
GC/JC(09.11.2021) 3P 5C