



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE DR JUSTICE ANITA SUMANTH

W.P. (MD) No.7809 of 2018

S.Chinna Sanjeevi

... Petitioner

Vs.

The Commissioner,
Rajapalayam Municipality,
Virudhunagr District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondent not to deduct the rental amount of Rs.2,370/- from the petitioner's salary amount and not to force the petitioner to vacate the house which was allotted to the petitioner's family in Rajapalayam Town Sanitary Workers Colony, Rajapalayam.

For Petitioner	:	Mr.T.Chandrasekaran for Mr.F.Deepak
For Respondent	:	Mr.N.Dilip Kumar Standing Counsel

O R D E R

Read this order in conjunction with the order passed by me on 12.11.2021, which reads as follows:

"Mr.N.Dilip Kumar, learned Standing Counsel appearing for the sole respondent would submit that the petitioner has superannuated pending Writ Petition. Upon superannuation, he has vacated the midrental accomodation provided by the respondent.

2. As regards the rent payable from the official accommodation an interim order has been passed by this Court on 11.04.2018, restricting the rent to a sum of Rs.1000/- (Rupees one thousand only) per month which has been adjusted as against the salary paid. Thus, according to the respondent, nothing survives in this Writ Petition. Let a memo be filed to the aforesaid effect, after service upon the petitioner.

3. List on 19.11.2021."

2. As directed above, a memo has been filed by the respondent i.e the Commissioner, Rajapalayam Municipality which reads as follows:

"1. The above writ petition W.P(MD)No.7809 of 2018 has been filed by the petitioner praying for directing the respondent not to deduct the rental amount of Rs.2,370/-



from the petitioner's salary account and not to force the petitioner to vacate the house which was allotted to the petitioner's family in Rajapalayam Town Sanitary Workers Colony, Rajapalayam.

2. The petitioner was appointed as Sanitary Worker in Rajapalayam Municipality on 01.12.1986.

3. The petitioner's father and grandfather had also worked in the Rajapalayam Municipality and they had occupied the Government Residential House.

4. The allegation of the petitioner is that the respondent Municipality is forcibly deducting the rent from the salary account of the petitioner, a sum of Rs.2,370 (Rupees Two Thousand and three hundred and seventy only) from October 2017 to March 2018. Regarding this, petitioner sent a representation in the respondent Municipality, by considering the same in merits the respondent Municipality has stopped the deduction of rental charges from March, 2018. Afterwards petitioner raised no complaint or objection regarding this matter.

5. It is pertinent to mention that the petitioner retired from the service by attaining his superannuation on 30.06.2021 and simultaneously vacated the quarters on 21.10.2021 without any quibbles.

6. Hence this writ petition becomes infructuous. This Hon'ble Court may kindly be pleased to consider the same and pass suitable orders."

3. Recording the aforesaid, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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.



To:-

The Commissioner,
Rajapalayam Municipality,
Virudhunagr District.

+1 CC to M/s.N. DILIP KUMAR, Advocate (SR-35364[F] dated 22/11/2021)

+1 CC to M/s.T. CHANDRASEKAR, Advocate (SR-35442[F] dated
23/11/2021)

W.P. (MD) No.7809 of 2018
and W.M.P (MD) No.7384 of 2018
19.11.2021

PS (CO)

GC(13.12.2021) 3P 4C