



WEB COPY



W.P.No.27809 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.27809 of 2022
and
WMP No.27101 of 2022

P.Sakthivel

..Petitioner

-Vs-

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Chennai-600 007.

2. The Estate Officer/Assistant Commissioner of Police,
Estate Welfare and Community Policing,
Greater Chennai Police,
Chennai-600 007.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records comprised in C.No.230/ACP/EW&CP/FN/2022 dated 30.09.2022 on the file of the 2nd respondent and quash the same.

For Petitioners : Mr.R.Karthikeyan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader



W.P.No.27809 of 2022

ORDER

WEB COPY This writ petition has been filed challenging the order dated 30.09.2022 rejecting the petitioner's request for calling upon the petitioner to vacate the staff quarters allotted to him on the ground that he has been dismissed from service on 22.06.2022. The petitioner has raised the following grounds for challenging the impugned order.

(a) A show cause notice issued by the 2nd respondent dated 16.07.2022 is bad for the reason that he was provided only 3 days time to respond but on the other hand, section 4(2)(b) stipulates 10 days time for the petitioner to respond.

(b) The impugned order does not refer to the reply dated 21.07.2022 submitted by the petitioner and without considering the same, the impugned order has been passed.

(c) The petitioner has not been afforded reasonable opportunity of hearing as provided under Section 5 of the Tamil Nadu Public Premises (Eviction of unauthorized Occupants) Act, 1975.

(d) The petitioner does not own any other property and right from the date of allotment, he is residing there with his wife who is a physically challenged person along with three children who are studying in School and therefore, in the middle of the academic year, it is impossible for the



W.P.No.27809 of 2022

WEB C

2. Admittedly, the petitioner has been dismissed from service on 22.06.2022. The petitioner has been dismissed from service based on the conviction order passed against the petitioner by the Sub Court of Prevention of Corruption Act Cases, Chennai in C.C.No.8/2015 dated 13.04.2022. The petitioner has been convicted for the offence under Sections 7, 13(2) r/w section 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to undergo one year rigorous imprisonment and pay a fine of Rs.1000/-. The petitioner has preferred Criminal Appeal, aggrieved by the conviction order before this Court in CrI.A.No.442/2022 and in the said criminal appeal, the sentence has been suspended by an interim order dated 26.04.2022. However, till date, no appeal has been filed as against the dismissal of the petitioner from service which was passed on 22.06.2022. Having been dismissed from service, pursuant to the disciplinary proceedings initiated by the respondents, the petitioner does not have any vested right to remain in the staff quarters which was earlier allotted to him based on his employment.

3. The learned Additional Government Pleader appearing for the respondents also submits that there are many employees who are waiting for allotment of staff quarters and they are standing in the queue and therefore, the question of granting further time to the petitioner to remain in the staff quarters cannot be considered.



W.P.No.27809 of 2022

dismissed from service, cannot have any vested right occupy the staff quarters after the dismissal order i.e., from 22.06.2022, as rightly contended by the learned Additional Government Pleader. There may be many other employees who will be seeking for allotment of staff quarters. The staff quarters occupied by the petitioner presently, will have to be allotted to one of those employees. The petitioner will have to necessarily look out for an alternate accommodation and cannot insist for remaining in the staff quarters which is allotted to him only due to his employment with the respondent. Having been dismissed from service, he cannot seek to remain in the staff quarters raising technical grounds. The only ground raised by the petitioner is that his explanation submitted to the show cause notice has not been considered in the impugned order and no sufficient opportunity of hearing was provided to him in accordance with the provisions of the statute.

5.As observed earlier, having been dismissed from service, the question of remaining in the quarters any longer by the petitioner will not arise and the ground raised by the petitioner in this writ petition has to be necessarily rejected.

6.For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.



W.P.No.27809 of 2022

27.10.2022

WEB C
Speaking/Non-speaking order
Index: Yes/No
vsi

To

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Chennai-600 007.
2. The Estate Officer/Assistant Commissioner of Police,
Estate Welfare and Community Policing,
Greater Chennai Police,
Chennai-600 007.

ABDUL QUDDHOSE,J.



WEB COPY



W.P.No.27809 of 2022

W.P.No.27809 of 2022

27.10.2022