



W.P.(MD)No.2942 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD)No.2942 of 2017**

**and**

**W.M.P.(MD)No.2380 of 2017**

V.Natarajan

... Petitioner

vs.

1.The Commissioner of Police,  
Tirunelveli City,  
Tirunelveli.

2.The Superintendent of Police,  
Kanyakumari District,  
At Nagercoil.

3.The Superintendent,  
Pay and Accounts,  
Nagercoil,  
Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 1<sup>st</sup> respondent in connection with the impugned order of Recovery of Penal Rent passed by him in his proceedings in Na.Ka.No. B4/029441/298/2011, dated 24.01.2017 and the consequential impugned order passed by the 2<sup>nd</sup> respondent in



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his proceedings in Na.Ka.No.B3/56265/2016, dated 02.02.2017 and to quash both as illegal and arbitrary and consequently, to direct the 1<sup>st</sup> respondent to reckoning the penal rent in the light of G.O.Ms.No.568, Home (Police.10) Department, dated 31.05.2000.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : M/s.D.Farjana Ghoushia  
Special Government Pleader  
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### **ORDER**

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to call for the records on the file of the 1<sup>st</sup> respondent in connection with the impugned order of Recovery of Penal Rent passed by him in his proceedings, dated 24.01.2017 and the consequential impugned order passed by the 2<sup>nd</sup> respondent in his proceedings, dated 02.02.2017 and to quash both as illegal and arbitrary and consequently, to direct the 1<sup>st</sup> respondent to reckoning the penal rent in the light of G.O.Ms.No.568, Home (Police.10) Department, dated 31.05.2000.

2.The contention of the petitioner is that he was allotted with a quarters on 20.08.1997 and he was rendering his service until 2011. The petitioner sought an



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extension to stay in the said quarters, since his daughter's education could affect, if the petitioner is transferred to some other place. The petitioner is also having an old mother. Therefore, the petitioner sought extension of time for stay in the said quarters. The respondents have granted extension. However, the respondents submitted that the extension was granted only for a limited period until 30.04.2012. Thereafter, the petitioner was directed to vacate the said premises.

3.The petitioner further contended that he sought further extension of time. However, the respondents have not considered the second extension and the petitioner was transferred to four places, namely Nagercoil, Tirunelveli, Valliyoor and Colachel. Since there was frequent transfer, the petitioner in order to grant proper education to his daughter, sought permission for extension to stay in the same place in Ramnad. The petitioner contended that the respondents ought to have granted permission to continue in the quarters and imposed 1.5 times rent. The respondents have not considered the further extension sought by the petitioner, thereby, the respondents have imposed 3% increased rent for the over



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stay. Therefore, the petitioner contended that the respondents ought to have imposed only 1.5%, since the petitioner already sought for staying in the place.

4. Therefore, this Court is of the considered opinion taking into consideration, since the petitioner has sought permission to stay in the place, the petitioner is entitled to pay only 1.5% interest as per G.O.Ms.No.568, Home (Police.10) Department, dated 31.05.2000. Therefore, the respondents are directed to recalculate the penal interest and the recalculated amount shall be paid by the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No  
Internet : Yes

**14.10.2022**

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To

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- 3.The Superintendent,  
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**S.SRIMATHY, J**

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**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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