



W.P.No.14949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14949 of 2024
and WMP.Nos.16222, 16223 & 16224 of 2024

Mythili

... Petitioner

Versus

1. The Secretary to Government
Home (Police IV) Department,
Fort St.George, Chennai - 9.
2. The Director General of Police,
Law & Order
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.
3. The Superintendent of Police,
Salem District, Salem
4. The Deputy Inspector General of Police
Salem Range, Salem.
5. The Deputy Superintendent of Police,
Armed Reserve, Salem District.
6. The Inspector General of Police,
Technical Services, Chennai.

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7. The Inspector of Police,
Armed Police, Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in connection with the impugned orders passed by him in D.O.No.812/2017 in Na.Ka.No.R3/41926/1077/2017 dated 18.12.2017 and further proceedings passed by the 2nd respondent in his Na.Ka.No.5018172/Buildings.2(1)/2023 dated 16.08.2023 and the consequential order passed by the 3rd respondent in D.P.O.No.1012/2023 in Na.Ka.No.B3/EO/2204164/2022 dated 27.11.2023 and the 4th respondent in Na.Ka.No.C1/13/106/2024 dated 13.02.2024 and quash the same and direct the respondents to allow the petitioner to continue in the same police quarters No.F-18, New Police Quarters, AR Line, Kumaraswamypatti, Vincent, Salem - 9 and fix the normal rent applicable to the Head Constables and grant such other further relief.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This Writ Petition is filed to call for the records of the 3rd respondent



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in connection with the impugned orders passed by him in D.O.No.812/2017 in Na.Ka.No.R3/41926/1077/2017 dated 18.12.2017 and further proceedings passed by the 2nd respondent in his Na.Ka.No.5018172/Buildings.2(1)/2023 dated 16.08.2023 and the consequential order passed by the 3rd respondent in D.P.O.No.1012/2023 in Na.Ka.No.B3/EO/2204164/2022 dated 27.11.2023 and the 4th respondent in Na.Ka.No.C1/13/106/2024 dated 13.02.2024 and quash the same and direct the respondents to allow the petitioner to continue in the same police quarters No.F-18, New Police Quarters, AR Line, Kumaraswamypatti, Vincent, Salem - 9 and fix the normal rent applicable to the Head Constables and grant such other further relief.

2. The case of the petitioner is that she is a Head Constable and serving in the special unit of Police Department on regular duty basis with lien attached with the parent unit and she was transferred from Salem to Chennai and thereafter within 2 months she was re-transferred back to Salem and she is staying in the quarters. The petitioner was transferred



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during the middle of the academic year and hence she is entitled to occupy the quarters till the end of the academic year. While so, the petitioner was issued with a impugned order dated 27.11.2023 in and by which in respect of the quarters occupied by the petitioner, penal rent has been calculated and a sum of Rs.7,37,344/- was ordered to be recovered from the petitioner's salary. The petitioner was sent on deputation to Salem and that she is entitled to occupy the quarters in the head quarters. However, it is the respondents who are taking a contra view without even affording an opportunity to the petitioner and without looking into the rule position has passed the impugned order.

3. Per contra, the learned Additional Government Pleader submitted that the petitioner is not entitled for occupation of the quarters after the transfer and therefore rent has been calculated as per the rules.

4. Be that as it may, it can be seen that before passing an order, the respondents have not given an opportunity of hearing to the petitioner and



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the same cannot be done without affording an opportunity to the petitioner.

In view thereof, this writ petition is allowed on the following terms:-

(i). The impugned order dated 27.11.2023 passed by the 3rd respondent in D.P.O.No.1012/2023 in Na.Ka.No.B3/EO/2204164/2022 shall stand quashed;

(ii). The respondents are at liberty to carry out the said exercise afresh by affording an opportunity to the petitioner;

(iii). In the event if the respondents choose to carry out the exercise afresh, the petitioner shall be given an opportunity to submit her written representation also an opportunity of personal hearing and consider the objection that may be raised by the petitioner and thereafter pass a fresh order. No costs. Consequently, connected miscellaneous petitions are also closed.

10.06.2024

Neutral Citation : yes/no
dpq



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D. BHARATHA CHAKRAVARTHY, J.

dpq

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