



WEB COPY



W.P.No.17031 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.17031 of 2024
and WMP.No.18774 of 2024

C. Pugalendi

... Petitioner

Vs.

1. The Additional Commissioner of Police
Headquarters and Traffic
Law and Order
Avadi, Chennai

2. The Additional Commissioner of Police,
Headquarters,
Greater Chennai Police,
Vepery, Chennai 600 007.

3. The Assistant Commissioner of Police,
Estate Welfare & Community Policing,
Greater Chennai Police,
Vepery, Chennai 600 007.

Respondents

...

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari calling for the records of the 2nd respondent's order in Na.Ka.No.Cut2/40217/2024 Se.Ka.No.1594/24 dated 14.06.2024 and quash the same.



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For Petitioner : Mr.R.Dhamodaran

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Certiorari calling for the records of the 2nd respondent's order in Na.Ka.No.Cut2/40217/2024 Se.Ka.No.1594/24 dated 14.06.2024 and quash the same.

2. The learned counsel appearing for the petitioner submitted that the petitioner is challenging the impugned order dated 14.06.2024 directing him to vacate the quarters within 7 days from the receipt of the order. The petitioner has already filed an appeal as against his conviction by the POCSO Court. Even while granting suspension of sentence prima facie case has been found in favour of the petitioner. Therefore, the conviction will not sustain and even the dismissal order is unsustainable. The petitioner has been convicted only on the Court question without even the victim identifying the petitioner. The petitioner is suffering for no fault on him. Suddenly if he is asked to move out of the quarters he will be put to grave prejudice.



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3. As on date the petitioner is dismissed from service. Therefore, he has no right to occupy the quarters. Even assuming for a moment that the argument of the learned counsel for the petitioner is correct, if only the petitioner is reinstated into service, thereafter only he can seek for quarters. Therefore, finding no merits in this matter, this writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

28.06.2024

Neutral Citation: Yes/No
dpq

D.BHARATHA CHAKRAVARTHY, J.

dpq



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Law and Order
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