



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.26847 of 2024

R.Suresh

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Chennai Range,
Egmore – 600 008.

2.The Superintendent,
Puzhal Central Prison,
Chennai – 600 066.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent not to take any coercive action against petitioner until the disposal of the appeal.

For Petitioner : Ms.A.Shabana

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 and R2



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ORDER

This writ petition has been filed for issue of writ of mandamus forbearing the 2nd respondent from taking any coercive action against the petitioner by evicting the petitioner and his family from the quarters till the disposal of the appeal.

2.Heard Ms.A.Shabana, learned counsel appearing on behalf of the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing on behalf of respondents 1 and 2.

3.In the instant case, through order dated 09.08.2024, the 2nd respondent has imposed the punishment of dismissal from service. The petitioner aggrieved by the same has filed an appeal before the appellate authority and the same is pending. In the meantime, steps were taken to evict the petitioner from the quarters that was allotted to the petitioner. The petitioner is living with his family in the said quarters and therefore, the petitioner has made a request that his possession should not be disturbed till the disposal of the appeal.



4. In the considered view of this Court, the petitioner does not have any right to stay in the quarters that was allotted after the petitioner has been dismissed from service. The petitioner cannot claim that he will continue to stay in the quarters till the appeal is disposed of. That claim made by the petitioner is too far fetched and it cannot be entertained by this Court. As on today, the petitioner does not belong to the Department and therefore, the petitioner cannot continue to live in the quarters that was allotted to him. In view of the same, the steps taken by the respondents to get the possession of the quarters by evicting the petitioner, cannot be held to be illegal.

5. However, there is human side for this issue, since the petitioner has two children aged about 5 years and 13 years respectively and they are studying in School. Therefore, it will take some time for the petitioner to make alternative arrangements and to vacate and handover the possession of the property. Hence, this Court is inclined to grant some time to the petitioner to vacate the quarter and handover possession to the 2nd respondent. This relief is granted by this Court not based on any legal right of the petitioner but, purely on humanitarian grounds.



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6. In the light of the above discussion, there shall be a direction to the petitioner to vacate and handover possession of the quarters to the 2nd respondent on or before 11.11.2024. It is made clear that if the petitioner continues to squat on the property without vacating, it is always left open to the respondents to take possession of the property. This order will not stand in the way of the respondents from taking possession of the property effective from 12.11.2024.

7. This writ petition is disposed of with the above directions. No Costs.

13.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



To

1. The Deputy Inspector General of Prison,
Chennai Range,
Egmore – 600 008.
2. The Superintendent,
Puzhal Central Prison,
Chennai – 600 066.



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N. ANAND VENKATESH, J.

SSR

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