



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:24.11.2025

Coram

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

W.P.No.16993 of 2016

and

W.M.P.Nos.14501 of 2016 and 27736 of 2016

S.Kamalanathan

S/o Samiyannan

68/5, Police Quarters,

PRS Quarters,

Coimbatore City.

.. Petitioner

/versus/

The Commissioner of Police,

Commissioner Office,

Coimbatore City.

.. Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the entire records in relating to the impugned proceedings in Na.Ka.No.R2/17606/16 &



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Na.Ka.Order No.544/2016 dated 14.04.2016 issued by the respondent and quash the same.

For Petitioner :M/s R.Ezhilarasan

For Respondent :Mr.P.Balathandayutham
SGP

ORDER

The petitioner, while serving as a Grade-I Police Constable in the CBCID, Counterfeit Currency Wing, Coimbatore Unit, was placed under suspension, pursuant to the complaint given by a minor girl, which led to the registration of Crime No.8 of 2015, by the All Women Police Station, Central Coimbatore. He was directed to vacate the residential quarters allotted to him, in view of his suspension and the pending enquiry. The order directing him to vacate the residential quarters is the impugned in the writ petition. This Court, at the time of admission, granted interim stay, until further orders.



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2. After obtaining the interim stay on 29.04.2016, the writ petitioner is still occupying the government quarters, though his suspension order was later revoked and he was posted to Ovari Police Station, Tirunelveli District on 25.09.2017 and again he was transferred to Coimbatore City, CCB, D4, Kuniyamuthur L&O on 08.02.2021 and thereafter, transferred from Coimbatore to Kotagiri Police Station, the Nilgiris District on 02.08.2024 and still he is working at Kotagiri Police Station, The Nilgiris District.

3. Without advertng to the other merits of the case, it is very unfortunate that the writ petitioner, after getting an interim stay and protection from being vacated from the quarters, is still occupying the quarters, despite being transferred out of the Coimbatore City. However, he has been occupying the quarters intended for Armed Reserve Personnel of Coimbatore City, despite not being in the Armed Reserve



Personnel nor within the Coimbatore City.

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4. The Learned Special Government Pleader has produced the service profile of the writ petitioner, which indicates that after being transferred from the Coimbatore jurisdiction to Tirunelveli, he was subsequently brought back to CCB, Coimbatore and at that time as well, he was involved in misconduct and disciplinary action was initiated against him for his unbecoming conduct. It is further reported that, by continuing to occupy the Government quarters, he is liable to pay penal rent of Rs.5,90,742/-. Only on the strength of the interim stay, which at most would be extended as long as he was within the Coimbatore and in the Armed Reserve Personnel, his stay in police quarters meant for Armed Reserve Force personnel of the Coimbatore city, is contrary to the Public Premises Act.



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5. This Court finds that the writ petitioner is not entitled to occupy the government quarters meant for Armed Reserve personnel, in view of the criminal complaint against him under the POCSO Act 2012 and in addition, by reason of his transfer from the Armed Reserve Police to the regular Police and further, transferred from Coimbatore to Tirunelveli and thereafter, from Coimbatore to Nilgiris. Due to his misuse of the interim stay order granted by this Court, this writ petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed.

6. The writ petitioner is directed to vacate and hand over the premises on or before 30.11.2025 failing which the Commissioner of Police, Coimbatore City shall take possession of the premises and allot the same to the Armed Reserve Force Personnel, who require accommodation in accordance with their seniority and other applicable Rules regarding the allocation of quarters.



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7. After any disobedience of this order, it will automatically amount to misconduct and fresh action should be taken against the writ petitioner. If he fails to comply with this order, the respondents shall also take diligent steps to recover the penal rate from the petitioner herein who has unfortunately been continuing to occupy the public premises by abusing the stay order granted by this Court. The stay was granted only on the premises he was entitled to occupy the quarters as a constable attached to the Armed Reserve Force and once he lost that eligibility, even after the stay order, he cannot continue to occupy the quarters, de hors the fact that he was transferred the outside the Coimbatore District. Therefore, the order of this Court is to be scrupulously followed by the respondents. Consequently, connected Miscellaneous Petitions are closed. No order as to costs.



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Index:yes/no

Internet:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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To,
The Commissioner of Police,
Commissioner Office,
Coimbatore City.



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Dr.G.JAYACHANDRAN,J.

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