

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2022

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**WP No.2627 of 2014**

U.Manickavel

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Petitioner

vs.

1.State Represented by

The Secretary,  
Home, Prohibition and Excise Department,  
Tamil Nadu,  
St. George Fort,  
Chennai.

2.The Commissioner of Police,  
Greater Chennai,  
Chennai.

3.The Additional Deputy Commissioner of Police,  
Estate, Welfare and Community Policing,  
Vepery,  
Chennai.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India,  
praying for the issuance of a Writ of Certiorari, calling for the records

relating to Form-C dated 07.01.2014 issued under Rule 8 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Rules, 1978 by the third respondent herein.

For Petitioner : Mr.M.Deivanandam  
For Respondents : Mr.S.Prabhakaran,  
Government Advocate.

### **INTERIM ORDER**

Mr.Mathew David, Assistant Commissioner, Estate Welfare and Community Policing, Vepery, Chennai – 600 007, is present. However, he has not filed any report regarding the actions taken with reference to the Quarters, which was allotted in favour of the writ petitioner and for the overstayal in violation of rules.

2.Indiscipline amongst the higher officials of the police department would cause disaster consequences when the higher officials are not maintaining the expected level of discipline. They may not be in a position to control the force, which would result in a situation where the force will lose its morale. Already there are several such allegations in the public domain regarding usage of black film in the official vehicles by the higher

officials of the police department, misuse of department's name in the private vehicles, abuse of police force in the name of orderly in their residences or otherwise and several such allegations are either unnoticed or no action has been taken by the Government. When such allegations are in the public domain and more so, visible, the Government is expected to initiate appropriate action to control such abuse of power by the higher police officials in order to maintain discipline in the force and to ensure public order in the Society. In recent days, there are several such allegations against the higher police officials, which cannot be tolerated at any circumstances as the same would lead to deterioration and result in unconstitutionality, more so, in violation of the statutes and rules in force.

3. Though the Assistant Commissioner, Estate Welfare and Community Policing, Veperiy, Chennai – 600 007, is present, he has not filed any report regarding the actions initiated in respect of the present writ petitioner in spite of the fact that the Hon'ble Division Bench confirmed the order of the learned Single Judge directing the writ petitioner to vacate the quarters in the year 2014 itself. Though the petitioner has now vacated the premises in the year 2022, the

actions so far taken has not been explained. It is not as if every such illegality is to be condoned by the Courts. This Court is of the opinion that the Government has to address the issue and report regarding the actions initiated in respect of all such abuse of power by the higher police officials in all respects. The first respondent is directed to file counter or a report in this regard enabling this Court to consider the issues.

4.The learned Government Advocate is directed to inform this order to the first respondent Government today itself over phone or electronic mode of communication.

5.List the matter for further hearing on 21.06.2022 and the further appearance of the Assistant Commissioner is dispensed with.

**14-06-2022**

Index : Yes/No.  
Internet : Yes/No.  
Speaking Order/Non-Speaking Order.  
sms/sli