

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22687 of 2015

R.Dhanapal

... Petitioner

Vs

The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.

... Respondent

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus to direct the respondent to return the Tipper Lorry Ashok Leyland made bearing Regn. No.TN 30 AT 4743, to the petitioner based on the representation dated 21.01.2015 forthwith.

For Petitioner : Mr.S.Angamuthu

For Respondent : Mr.V.Subbiah,
Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims to be the permanent resident of Door No.236-A, Jagireddypatty, Salem Taluk and District and would further state that Ashok Leyland Tipper Lorry bearing Regn. No.AP 04 W 0914 was originally purchased by one Govarthanarao Maram, who was the resident of Vijayawada in the erstwhile State of Andhra Pradesh. The petitioner had intended to purchase the said vehicle and accordingly, purchased the same on 14.09.2014 and after getting necessary No Objection Certificate from the transport authorities at Andhra Pradesh, the vehicle was re-registered as TN 30 AT 4743 and valid registration certificate was also issued by the Regional Transport Officer, Salem by making necessary entires. It is further stated by the petitioner that he has parked the vehicle at petrol bunk near

Valapadi bus stand on 15.01.2014 and on the next day, the lorry was not found and on enquiry, he came to know that the respondent has taken the lorry. The petitioner in this regard, repeatedly approached the respondent praying for release of the vehicle and also submitted a detailed representation dated 21.01.2015 by enclosing all the documents and praying for return of the vehicle stating that the vehicle has been parked in an open space for nearly one year and reached the stage of disuse. The grievance expressed by the petitioner is that inspite of receipt of the representation, the respondent did not care to pass any orders and hence, came forward to file this writ petition.

3.Heard the submissions of Mr.S.Angamuthu, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondent.

4.It is not made known to the Court whether the vehicle in question has been seized by the respondent in connection with the registration of the criminal case. Be that as it may, the petitioner has submitted a representation dated 21.01.2015 to the respondent with a copy marked to the jurisdictional Superintendent of Police as well as the Director General of Police, pointing out the inaction on the part of the respondent. The fact remains, the respondent did not care to pass any orders on the representation dated 21.01.2015, though he has received it on the very same day. The respondent, being the guardian of law and order and also exercising statutory functions, is bound to give reply to the representation dated 21.01.2015 submitted by the petitioner, but for obvious reasons, he has kept quiet.

5.This Court, in the light of the above facts and circumstances, directs the respondent to consider and dispose of the petitioner's representation dated 21.01.2015 on merits and in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The Superintendent of Police, Dharmapuri District is also directed to ensure the compliance of the order passed by this Court. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

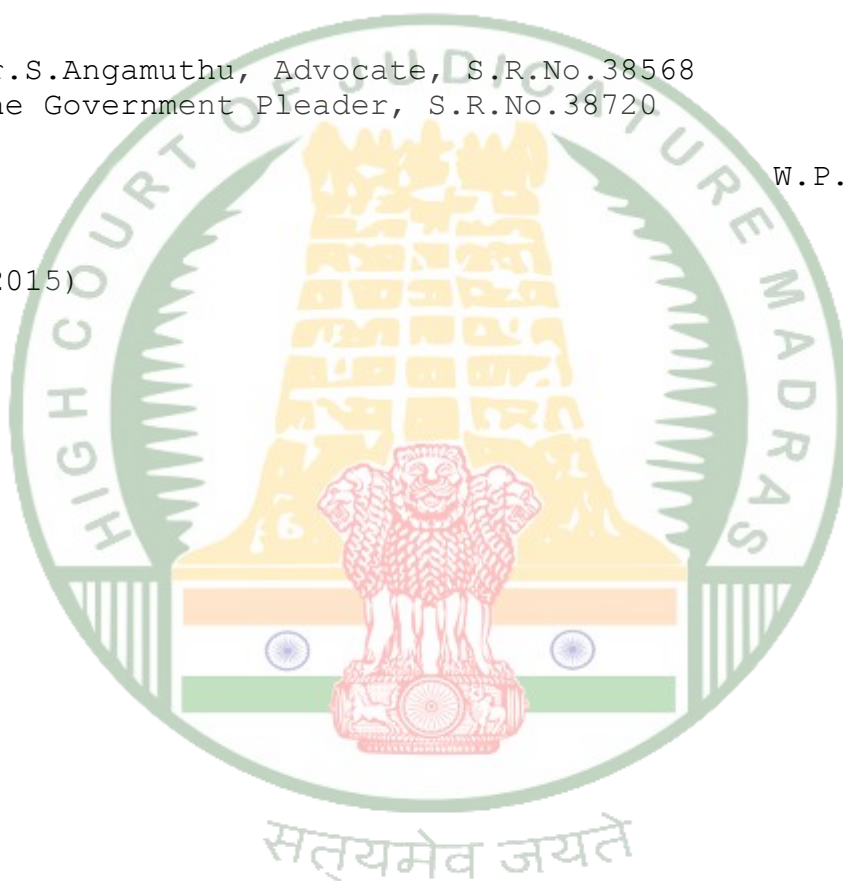
To

1. The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
2. The Superintendent of Police,
Dharmapuri District.

+1cc to Mr.S.Angamuthu, Advocate, S.R.No.38568
+1cc to the Government Pleader, S.R.No.38720

W.P.No.22687 of 2015

VGI (CO)
CA(10/08/2015)



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