

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.34873 of 2016

S. Gomathi

Petitioner

vs.

The Inspector of Police
Peerkankaranai Police Station
Peerkankaranai
Kanchipuram District

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to release the TATA INDICA DLS 2010 TN 07 BF 8377 lying in the custody of the respondent and hand over to the petitioner.

For petitioner Mr. P. Ganesha Murthi

For respondent Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondent to release the TATA INDICA DLS 2010 TN 07 BF 8377 lying in the custody of the respondent and hand over the same to the petitioner.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3 It is the case of the petitioner that she is the owner of the TATA Indica car bearing Registration No.TN 07 BF 8377, which is being illegally detained by the respondent police and hence, she has come forward with this writ petition seeking the aforestated relief.

4 Today, Mr. G.K. Kannan, Inspector of Police, Peerkankaranai Police Station, is present before this Court. On instructions from the respondent police, the learned Additional Public Prosecutor submitted that:

i the car in question originally belonged to one Ramesh Kumar, but, it had gone into the hands of one Yuvaraj, who has sold it to one Richardson during April 2015;

ii Richardson had given the car to one Sivaramakrishnan who was using the car on rental basis by making monthly payments to Richardson.

iii Though the car had changed hands, yet, the R.C. book stood in the name of one Ramesh Kumar who was originally its owner.

iv Gomathy, the petitioner herein, purchased the car from Ramesh Kumar through Sivaramakrishnan on 18.03.2016 and the R.C.book has been transferred in her name.

v When Sivaramakrishnan stopped making remittances to Richardson, a dispute appears to have arisen between them and Richardson has been demanding return of the car.

vi While so, Richardson saw the car in question on 16.07.2016 around 4.30 p.m. in Kodambakkam area. At that time, the car was being driven by one Seetharaman, who is Gomathy's husband. Richardson stopped the car and a quarrel ensued between Richardson and Seetharaman in the public road. The patrol police who were in the spot intervened and handed over the car to the respondent police. Seetharaman and Richardson were also taken to the police station. On the complaint given by Richardson, petition enquiry is being conducted in CSR No.227 of 2016.

5 It may be relevant to state here that no regular FIR has been registered and Richardson also has not given any complaint earlier that he had lost his car.

6 Given the fact that the R.C. book of the car stands in the name of Gomathy, the petitioner herein and the car was in the custody of the petitioner's husband when the quarrel ensued on 16.07.2016, the car should have to be returned only to the person from whose custody, the police took it.

7 Hence, this Court directs the respondent police to hand over the car bearing Registration No.TN 07 BF 8377 to Gomathy, the petitioner herein, within a period of one week from the date of receipt of a copy of this order, under due acknowledgment. It is open to Richardson to work out his remedy in the manner known to law thereafter.

This writ petition stands ordered accordingly. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

1 The Inspector of Police
Peerkankaranai Police Station
Peerkankaranai
Kanchipuram District

2 The Public Prosecutor
Madras High Court
Chennai 600 104.

1 cc to Mr.S.T.Varadarajulu, Advocate SR.58828

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pmk.12.11.2016

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