



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD) No.7021 of 2014

Balasubramani

..Petitioner

Vs

- 1.The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation,
Thennur, Tiruchirappalli - 620 017.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Mannarpuram, Tiruchirappalli - 620 020.
- 3.The Inspector General of Police,
Central Zone, Tiruchirappalli.
- 4.The Superintendent of Police,
Tiruchirappalli District,
Tiruchirappalli.
- 5.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli
- 6.J.John Peter
- 7.Bhuvaneswari

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the 6th respondent and directing the respondents 3 to 5 to take appropriate action against the 7th respondent based on the petitioner's representations dated 10.07.2013 and 22.01.2014 given to the respondents 1 to 5.

For Petitioner

:Mr.T.M.Madasamy

For Respondents 1 & 2 :Mr.S.M.S.Johnny Basha
Standing Counsel

For Respondents 3 to 5 :Mr.M.Alagathevan
Special Government Pleader

For 6th Respondent :Mr.S.Vinayak

For 7th Respondent :No appearance



ORDER

The petitioner has approached this Court seeking a direction to the respondents 1 and 2 to take appropriate action against the 6th respondent and to direct the respondents 3 to 5 to take appropriate action against the 7th respondent based on the petitioner's representations dated 10.07.2013 and 22.01.2014 given to the respondents 1 to 5.

2.The case of the petitioner is that he became acquainted with the 6th respondent through his father. The petitioner appears to have purchased a Tractor in the name of his mother for agricultural purpose during February, 2012. It appears that the petitioner had borrowed a sum of Rs.75,000/- from the 6th respondent in order to buy the tractor and initially paid a sum of Rs.2,00,000/- to the dealer and availed loan for the remaining amount of Rs.3,75,000/-. It appears that the 6th respondent has requested the petitioner to permit him to use the tractor for his purpose and the petitioner informed the 6th respondent about the instalments to be paid to the financier, who granted the loan for the purchase of the tractor. However, inspite of knowing that monthly instalments need to be paid to the financier, the 6th respondent failed to pay the same as promised to the petitioner. In the mean while, the vehicle was seized by the financier from the 6th respondent. The 6th respondent not cared to inform the same to the petitioner. While matter stood thus, the 6th respondent demanded repayment of loan amount to the tune of Rs.75,000/-, which was provided at the time of purchase of tractor in 2012. On 10.07.2013 at about 7.30 a.m., when the petitioner's father was proceeding to the work, he was intercepted by the 7th respondent and taken to Manapparai Police Station and there, according to the petitioner, father of the petitioner was beaten up and manhandled in the presence of 6th respondent. According to the petitioner, some signatures have been obtained from the father of the petitioner. In the above circumstances, the petitioner had to give a complaint on 10.07.2013 and followed up with representations. In spite of the complaint and the representations, according to the petitioner, no action is forthcoming. Hence, the petitioner has approached for issuance of Writ of Mandamus.

3.The 6th respondent entered appearance through Mr.S.Vinayak, the learned counsel and filed a counter affidavit denying all the allegations contained in the affidavit filed in support of the petition. Mr.S.M.S. Johnny Basha, learned Standing Counsel for TANGEDCO appeared for respondents 1 and 2 and Mr.M.Alagathevan, learned Special Government Pleader entered appearance for the respondents 3 to 5.

4.The grievance of the petitioner is about the so called high-handed approach of the 7th respondent in dealing with his father. According to the learned counsel appearing for the 6th respondent no material has been produced to show that the representation has been



made by the petitioner, which shows that no such representations have been made.

5. In any event such a direction which is sought by the petitioner in this writ petition cannot be granted and it is always open to the petitioner to workout his remedy in the manner known to law. Moreover, considerable time has lapsed from the so called representation submitted by the petitioner and therefore, at this distant point of time such a relief cannot be granted. If the petitioner still have any grievance, it is always open to him to workout his remedy in the manner known to law.

6. With these observations, this Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (P AND A)

/True Copy/

Sub Assistant Registrar

sj

To

1. The Chief Engineer,
Tamil Nadu Generation and Distribution Corporation,
Thenur, Tiruchirappalli - 620 017.
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Tiruchirappalli.
5. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli

1CC TO MR A. JOEL PAUL ANTONY, ADVOCATE SR: 53232

1CC TO MR. T. M. MADASAMY, ADVOCATE SR: 53238