



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.12752 of 2013andMP(MD)No.1 of 2013

G.Sethu

... Petitioner

vs.

1.The Secretary,
Government of Tamilnadu,
Home Public Department,
Secretariat, Fort St.George,
Chennai - 9.

2.The Director General of Police,
South Zone,
Madurai, Tamilnadu.

3.V.Lingasamy
Special Sub Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

4.K.Thagavelu
Sub Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

5.M.Pandi
(R5 suo motu impleaded vide
order dated 31.07.013)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents jointly and severally to pay a sum of Rs.10,00,000/- (Ten Lakhs) to the petitioner as damages and compensation for the illegal conduct of Search made in petitioner's house premises on 30.05.2013 without following all the procedures under the guise of search.

For Petitioner : Mr.M.S.Sureshkumar

For RR - 1 & 2 : Mr.T.S.Mohammed Mohideen

Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>

For R3 & R4 : No appearance

For R5 : Mr.B.Vinothbalan

O R D E R

This writ petition has been filed seeking a direction to the respondents jointly and severally to pay a sum of Rs.10,00,000/- (Ten Lakhs) to the petitioner towards damages and compensation for the illegal conduct of search made in the petitioner's house premises on 30.05.2013 without following all the procedures under the guise of search.

2.The learned counsel appearing for the petitioner submitted that the respondents 3 and 4 made a search in the premises of the petitioner without following the due process of law and hence, the petitioner has filed the present petition, claiming compensation as stated above.

3.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the respondents 3 and 4 herein have made the search in the petitioner's premises only after observing all the formalities in the manner known to law and that too based on the complaint given by the fifth respondent.

4.It is brought to the notice of this Court that the subject matter in dispute is under the trial stage. Under such circumstances, both parties are directed to approach the authorities concerned for appropriate relief, after the trial is over.

5.With the above direction, this writ petition is closed. No costs. Consequently, MP(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Home Public Department,
Secretariat, Fort St.George,
Chennai - 9.

2.The Director General of Police,
South Zone, Madurai, Tamilnadu.

+1cc to Mr.B.VINOTHBALAN Advocate in SR. No. 92952

+1cc to M/s.M.S.SURESH KUMAR Advocate in SR. No. 93019

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 93307

MJ

JS/MR/SAR.3/05.01.2018/2P-6C

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W.P(MD) No.12752 of 2013

15.12.2017