



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3739 of 2018

P.Velusamy

... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul,
Dindigul District.

2.Thenmozhi,
The Then Inspector of Police,
District Crime Branch,
Dindigul.

3.V.Balasubramanian,
Retd., Inspector of Police,
District Crime Branch,
No.11, M.S.V. Colony,
Round Road,
Dindigul,
Dindigul District.

4.M.Sivasubramanian

5.A.Xavior Raj

6.J.Ravi

7.S.Antony

8.M.Neelakandan

9.R.Ramakrishnan

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the first respondent to recover the centering materials seized from the petitioner as detailed in the typed set of papers from the fourth respondent and hand over the same to the petitioner by considering the petitioner's representation dated 25.01.2018.

For Petitioner : Mr.K.Baalasundharam

For Respondents

: M/s.B.Bhagavathi
Government Advocate for R.1



M/s.D.Selvaraj

S.Sarvaganprabhu for R.4

Mr.J.Karthikeyan for R.8

ORDER

This writ petition has been filed for a direction to the first respondent to consider the representation of the petitioner, dated 25.01.2018, wherein, the petitioner had sought for recovery of materials that were seized from him by third, fourth, fifth and eighth respondents.

2. It is the case of the petitioner that he purchased centering materials from the fifth respondent for over a period of 1½ years. The fifth respondent supplied the materials and the petitioner also made the payment to the tune of Rs.31,00,000/-. On 09.07.2009, three persons came to the office of the petitioner, at about 10.30 a.m., and enquired whether the petitioner had taken centering materials from the fifth respondent and the petitioner explained about the business transactions between him and the fifth respondent.

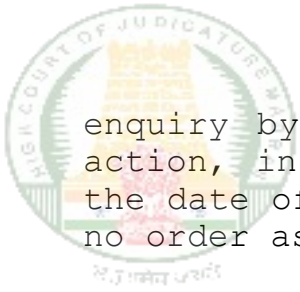
3. Subsequently, on 11.07.2009 also, some persons came to the office of the petitioner with an intention to take over the centering materials supplied to the petitioner. The same happened even subsequently on 17.07.2009 and 18.07.2009. Therefore, the petitioner gave a complaint to the Thillainagar Police Station and CSR receipt was also given to the petitioner.

4. Thereafter, on 24.09.2009, at about 10.00 a.m., the third respondent police came to the office of the petitioner and seized all the original documents and also the centering materials and the petitioner was made to go to the District Crime Branch, Dindigul. The petitioner was also made as an accused in Crime No.32 of 2009. After investigation, Crime No.32 of 2009 was closed as action dropped, in the year 2014.

5. The learned Counsel for the petitioner submits that even after the action was dropped, the materials that were taken away from the petitioner were never returned. The petitioner has also given various representations to the higher officials and till date, no action has been taken.

6. Lastly, the petitioner has made such representation on 25.01.2018 to the first respondent. In the said representation, the petitioner has explained the entire facts and has requested the first respondent to take action against the erring police officials and to recover the materials that were taken away from the petitioner. Till date, no action has been taken on the representation given by the petitioner.

7. In view of the same, this writ petition is disposed of with a direction to the first respondent to consider the representation, dated 25.01.2018, given by the petitioner and make a detailed



enquiry by calling all the persons concerned and take appropriate action, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

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/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Superintendent of Police,
Dindigul,
Dindigul District.

+1cc to Mr.K.Balasundharam, Advocate in sr.no.81422.

+1cc to Mr.R.Gandhi, Advocate in sr.no.81452.

GK

DS SV SAR-4:17.09.2018: 3P/4C

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