



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.15860 of 2017

M.Fradic

: Petitioner

Vs.

1. State of Tamil Nadu
Rep.by the Secretary
Home Police Department,
Secretariat, Fort St.George,
Chennai.-9.
2. The Superintendent of Police,
Palayamkottai,
Tirunelveli District-627002.
3. Duraisingam,
The Sub Inspector of Police, (L&O)
Kalakkad Police Station,
Tirunelveli District.
4. Athimoolam,
Head Constable-1609,
Kalakkad Police Station,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to take action against the respondent Nos.3 & 4 for their illegal action and to return the petitioner's motorbike bearing Registration Number TN 72 AT 9445 immediately and also direct the first respondent to pay compensation of Rs.5 Laksh for the illegal and malafide actions by the respondent Nos.3 & 4.

For Petitioner	: Mr.M.S.Sureshkumar
For Respondents	: Mr.B.Bhagawathi Government Advocate

ORDER

This Writ Petition has been filed for a direction to the respondents to return the Motor Bike that was seized from the petitioner.



506(ii) and Section 21(iv) of Mines and Minerals Act. After registration of the FIR, it is the case of the petitioner that the respondent Police directed the petitioner to bring the tractor, which is involved in the offence, to the Police Station and thereafter, take the two wheeler.

WEB COPY

3.The respondent Police thereafter, neither returned back the Motor Bike nor produced it before the Court below. It is further case of the petitioner that the said Motor Bike is not involved in the above said offence.

4.The learned Government Advocate appearing for the respondents submitted that the tractor, which was used by the petitioner, was involved in the above said offence. It was specific case of the Police that the Motor Bike is not involved in the offence and the same was available in the Police Station. On being advised by this Court, the third respondent has permitted the petitioner to take the Motor Bike that was parked inside of the Police Station and the petitioner had received the vehicle and acknowledged the same by letter dated 22.08.2018.

5.Since the petitioner has received his vehicle, the grievance expressed in this petition no longer survives. The above said vehicle is not involved in any offence and hence, the respondent Police is directed not to make the petitioner to surrender his Motor Bike in future.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

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

2. The Superintendent of Police,
Palayamkottai,
Tirunelveli District-627002.

+ 1 CC TO Mr.M.S.SURESH KUMAR, ADVOCATE IN SR No. 80357
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80645

GNS

TE/RSK/SAR-2 : 20/09/2018 : 2P/5C

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