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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.18956 of 2018

and

W.M.P.(MD)No.16780 of 2018

Veda Sugin

... Petitioner

vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Madurai Region,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Chenbagaramanputhur, Kanyakumari District.

4.The Godown Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Chenbagaramanputhur Godown, Kanyakumari District.

5.The Assistant Godown Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Chenbagaramanputhur Godown, Kanyakumari District.

6.Iyyappan,
Godown Security,
Tamil Nadu State Marketing Corporation Ltd.,
Chenbagaramanputhur Godown,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the first respondent to conduct proper enquiry on the complaint of the petitioner dated 06.08.2018.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.S.Angappan
Government Advocate
for R.1

: Mr.B.Jameel Arasu
for R.2 to R.6

**ORDER**

According to the petitioner, he is the owner and driver of the lorry bearing Registration No.TN-75-B-4723. In the month of July, it appears that the lorry owned by the petitioner transported a consignment from SNJ breweries to the TASMAL godown at Chenbagaramanputhur and the same was entrusted to the sixth respondent. When the boxes containing the consignment viz., the liquor bottles, were about to be off loaded from the lorry, the sixth respondent reported missing of certain items of consignment to the respondents 3 to 5. The value of missing consignment was assessed at Rs.1,10,880/- (Rupees One Lakh ten thousand eight hundred and eighty only).

2. According to the petitioner, the sixth respondent, hand in glove with the other person, was responsible for the theft of the consignment and therefore, a proper investigation has to be conducted by the official respondents. In this regard, it appears that the petitioner submitted a complaint to the first respondent to conduct an investigation into the complaint. However, there was no action taken by the first respondent and therefore, he is before this Court seeking issuance of Writ of Mandamus.

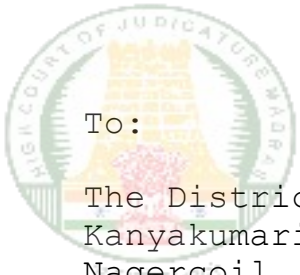
3. From the materials and facts disclosed in the affidavit it is seen that the petitioner has some private issues to be settled with the sixth respondent. No specific cause of action has been disclosed in the affidavit. The petitioner has come up with bald averments in the affidavit filed in support of the writ petition in regard to the conduct of the sixth respondent in dealing with the petitioner. On the basis of such bald averments and vague allegations, this Court cannot order notice in the writ petition and more so, a mandamus cannot be issued on such flimsy averments. This Court cannot invoke its extraordinary jurisdiction under Article 226 of the Constitution of India for settling the private disputes between two individuals.

4. For the above stated reasons, this Court is of the considered view that the writ petition as it is not maintainable and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed. However, it is always open to the petitioner to work out his remedy in a manner known to law if he is so advised.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To:

The District Collector,
Kanyakumari District,
Nagercoil.

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+1CC to Mr.B.Jameel Arasu, Advocate, SR.No. 81742
+1CC to Mr.C.T.Perumal, Advocate, SR.No.81558
+1CC to the Special Government Pleader SR.No. 81650

W.P.(MD) No.18956 of 2018
31.08.2018

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