



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.19148 of 2013
and
WMP (MD) No.1 of 2014

M.S.Perumal

... Petitioner

Vs.

1.The Director General of Police,
Chennai.

2.The Deputy Inspector General of Police,
South Zone, Tirunelveli.

3.The Assistant Commissioner of Police,
Palayamkottai, Tirunelveli.

4.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli.

5.The Inspector of Police,
Pettai Police Station,
Tirunelveli.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the fifth respondent to return the remaining medicines lying under the custody of the fifth respondent by considering the petitioner's representation dated 26.09.2013.

For Petitioner : Mr.P.Samuel Gunasingh

ORDER

Heard the learned counsel on either side.

2.It is not in dispute that M/s.Kartheek Nursing Home, Tirunelveli is being run by a partnership firm. Dispute has arisen among the partners. The managing partner of the said firm, Thiru.M.S.Perumal has filed this writ petition alleging that at the

instance of an expelled partner Dr.Premnath, the local police conducted a search of the hospital premises and took away as many as 37 items of medicines on 03.02.2013. Subsequently, only 29 items were returned and 8 items still remain in the custody of the police authorities. Seeking their return, the petitioner has given a representation. It was not acted upon. Hence, this writ petition came to be filed.

3.The stand of the police is that they have returned all the seized medicines. This Court therefore called upon the learned Government Advocate to produce the receipt or acknowledgment for having returned the seized medicines. Proof for having returned is forthcoming only for 29 items. In respect of the following items which were admittedly seized, there is no proof of such return :

Sl.No .	Medicine Particulars	Product Code	No.of pieces
1	3.0 Vicryl	NW2347	18
2	2 Growmic	M4241	6
3	1.0 Monocryl	LNW1602	13
4	5.0 Monocryl	Y4939	16
5	3.0 Ethilon	SN3328	20
6	2.0 Prolene	NW843	20
7	Ethicon Bone Wax	W810	7
8	2.0 Rapide	NW2761	12

4.Therefore, this Court has to necessarily hold that the police are obliged either to return the said items or to make good the value thereof. Since it is reiterated that the police have returned the seized items and since there is no proof for having so returned, this Court has to necessarily direct the fourth respondent to pay a sum of Rs.30,000/- which represents the value of the said unreturned medicines.

5.The third respondent is directed to effect recovery of the said amount from the concerned police officials and remit the same to the account of M/s.Kartheek Nursing Home within a period of two months from the date of receipt of a copy of this order. It is made clear that there will not be any consequential action taken against the concerned police officials. The direction to make good the value of the medicines has been issued only because there is no proof forthcoming from the respondents. With the remittance of the said amount of Rs.30,000/- the issue will be given a complete quietus.

6.With this direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(T&P)

/True copy/



To

1.The Director General of Police,
Chennai.

2.The Deputy Inspector General of Police,
South Zone, Tirunelveli.

3.The Assistant Commissioner of Police,
Palayamkottai, Tirunelveli.

4.The Inspector of Police,
Perumalpuram Police Station,
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5.The Inspector of Police,
Pettai Police Station,
Tirunelveli.

+1cc to Mr.P.SAMUEL GUNASINGH, Advocate, SR.No.71332

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