

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.21916 of 2019

M.Abdul Rajahkhan

...Petitioner

Vs

1.The Superintendent of Police,
District Crime Branch,
Kancheepuram District,
Kancheepuram

2.The Inspector of Police,
District Crime Branch,
Kancheepuram District,
Kancheepuram,
(Crime No. 16 of 2017)

3.P.Krishnamoorthy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to return the two vehicles namely Swift Dzire bearing registration No. TN 11 S 4113, Engine No.MA3FJEBIS00892441, Chassis No.D13A2698267 and Ashok Leyland Dost bearing registration No. TN 11 P 8463 Engine No.MBIAA22E2FRV12460, Chassis No. VFH029411P and further direct the second and third respondent to pay a sum of Rs.10,00,000/- (Ten Lakhs Only) towards the monitory loss and damages sustained by the petitioner towards the illegal seizure and detention of the aforesaid vehicles for more than 16 months.

For Petitioner : Mr.Abdul Razack.M

For Respondents : Mr.C.Iyyapparaj

Additional Public Prosecutor for R1
& R2

Mr.J.Arokhiaraj for R3

O R D E R

The Petitioner had stated in his affidavit that the respondents had illegally seized the two vehicles namely Swift Dzire bearing registration No. TN 11 S 4113 and Ashok Leyland Dost bearing registration No. TN 11 P 8463 and handed over the same to the 3rd respondent herein. On the strength of this statement, the present Writ Petition has been filed seeking for a direction to the police to return the vehicles.

2. The 2nd respondent herein/ the Inspector of Police, District Crime Branch, Kancheepuram District has filed a status report stating that even prior to the registration of the First Information Report, the petitioner had entered into Memo of understanding with the 3rd respondent, pursuant to which, the petitioner had handed over the vehicles to the 3rd respondent on 23.10.2017 itself. While that being so, the present Writ Petition seeking for return of the vehicle may not be maintainable in Writ Petition. If at all the petitioner is aggrieved against the custody of the vehicles to the 3rd respondent, it is open to him to work out the remedy before appropriate civil forum. As such no effective orders can be passed in the present Writ Petition.

3. With the above liberty to the petitioner, the present Writ Petition stands closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sbn/vsn

To

1.The Superintendent of Police,
District Crime Branch,
Kancheepuram District, Kancheepuram

2.The Inspector of Police,
District Crime Branch,
Kancheepuram District, Kancheepuram.

3.The Public Prosecutor, High Court, Madras - 104.

+lcc to Mr.M.Abdul razack , Advocate SR.No. 86834

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A.SK(20/11/2019)