



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

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WEB COPY

THE HON'BLE **MR. JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.19667 of 2019

M/s.Shriram Transport Finance Co Ltd.,  
Rep. by its Authorised Signatory  
R.Anantha Kumar

... Petitioner

Vs.

1. The Director General of Police  
Dr.Radhakrishnan Salai  
Chennai
2. The Superintendent of Police  
Kanyakumari District  
Nagercoil
3. The Inspector of Police  
Karungal Police Station  
Karungal, Kanyakumari District
4. Tmt.K.Pondevi  
Inspector of Police  
Karungal Police Station  
Karungal, Kanyakumari District
5. Suresh Kumar  
Sub Inspector of Police  
Karungal Police Station  
Karungal, Kanyakumari District  
Now working at  
Mandaikadu Police Station  
Kanyakumari District

... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, directing the respondents 1 and 2 to take appropriate legal action against the respondents 4 and 5 and return the lorry bearing registration No.TN48R 9293 with the petitioner based on the petitioners complaint dated 25-04-2019



For Petitioner : Mr.Ananth. C.Rajesh  
For Respondents : Mr.R.Anandharaj  
1 to 3 Additional Public Prosecutor

**O R D E R**

The prayer in this writ petition is to direct the respondents 1 and 2 to take appropriate legal action against the respondents 4 and 5 and return the lorry bearing registration No.TN48R 9293 with the petitioner based on the petitioners complaint dated 25-04-2019

2. With consent of learned counsel on both sides, main writ petition is taken up, for final disposal.

3. The learned counsel for the petitioner would submit that the petitioner institution is the financial institution, lending loan for purchasing vehicles. One Devasahayam obtained loan for purchasing two tipper lorries to the tune of nearly 24 lakhs. The respondent purchased all those vehicles hypothecated clearly endorsed in the registration certificate. The said Devasahayam in turn sold one lorry infavour of one Mr. Jain. Thereafter the said Devasahayam defaulted monthly instalments payable to the petitioner. Therefore the petitioner has taken legal action by chasing the vehicle and seized the said vehicle from Mr.Jain. Immediately Mr.Jain lodged a complaint before the third respondent and on receipt of the same, the vehicle was seized from the petitioner's possession. Without even conducting any enquiry straight away the vehicle was handed over to Mr. Jain. He further submitted that only for the purpose of verification of chasis number it was seized from the custody of the petitioner by the third respondent. Now the third respondent colluded with all other parties and seized the vehicle and handed over the vehicle to Mr.Jain. Therefore he lodged a complaint before the first and respondent herein to take appropriate action against the fourth and fifth respondents herein.

4. The learned Government Advocate(Crl.Side) would submit that on the complaint lodged by one Jain vehicle was seized from the custody of the petitioner and after verifying the chasis number handed over the vehicle to Mr.Jain and the said complaint is still pending.

5. Heard Mr.Ananth C.Rajesh learned counsel appearing for the petitioner and Mr.R.Anandharaj, learned counsel appearing for the respondents 1 to 3.

6. Now the petitioner has sought for direction to direct the respondents 1 and 2 to take legal and appropriate action against the fourth and fifth respondents. The said vehicle was seized from



the custody of the petitioner and handed over to the complainant and also investigation is still pending on the complaint lodged by one Jain. The grievance of the petitioner is that the petitioner is a financial institution and one Devasahayam purchased two tipper lorries and in turn he sold the same to one Mr. Jain and investigation is still pending. The petitioner lodged complaint against the fourth and fifth respondents alleging that even conducting any proper enquiry the vehicle was handed over to one Mr. Jain. Admittedly on the complaint lodged one Mr. Jain the vehicle has been seized from the custody of the petitioner and investigation is still pending. The complaint lodged by the petitioner is only to threaten the official respondents and also to hand over the lorry.

7. In the result, the writ petition is devoid of merits and it is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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**To**

1. The Director General of Police  
Dr.Radhakrishnan Salai  
Chennai
2. The Superintendent of Police  
Kanyakumari District  
Nagercoil
3. The Inspector of Police  
Karungal Police Station  
Karungal, Kanyakumari District

+1 CC to M/s.ANANTH C. RAJESH, Advocate ( SR-86874[F] dated 16/09/2019 )

**W.P. (MD) .No.19667 of 2019  
13.09.2019**

KM/(03.10.2019) 3P 5C