



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD)No.17468 of 2020

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Britto Gnanam

... Petitioner

Vs.

1.The Superintendent of Police
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

3.Mrs.Muthumari
The Sub-Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

... Respondents

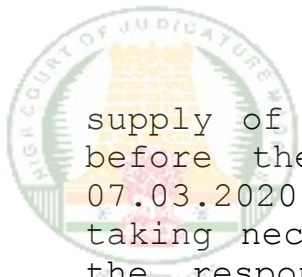
PRAYER:- Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take appropriate action as against the 3rd respondent for the act of misusing the official power by considering the petitioner's representation dated 20.07.2020, within a stipulated period.

For Petitioner	: Mr.J.David Ganesan
For R1 & R2	: Mr.R.Srinivasan
	Government Advocate

ORDER

This writ petition has been filed to direct the 1st respondent to take appropriate action as against the 3rd respondent for the act of misusing the official power, by considering the petitioner's representation dated 20.07.2020, within a stipulated period.

2.The learned counsel appearing for the petitioner would submit that the petitioner and one Daniel Sanjay had entered into a partnership and were running a Honda Show Room at Sathankulam. The petitioner has paid a sum of Rs.10,00,000/- and the same was received by the said Daniel. The said Daniel arranged for supply of vehicles through M/s. Pearl Honda Company regularly to the petitioner's show room. At one point of time, the same was stopped and the petitioner approached the said Daniel and his wife to return the amount or to arrange for regular supply of vehicles. The said Daniel and his wife have not returned the amount, nor they have arranged for



supply of vehicles. Hence, the petitioner lodged many complaints before the respondent police particularly the complaint dated 07.03.2020 and 25.06.2020 forwarded to the 3rd respondent for taking necessary action. The grievance of the petitioner is that the respondent police has not conducted enquiry properly by summoning the proposed accused persons in the manner known to law. Therefore, the petitioner has sent a detailed written representation on 20.07.2020 to the 1st respondent, seeking appropriate action as against the 3rd respondent. According to the petitioner, since no action has been taken against the 3rd respondent, the petitioner has filed the present petition.

3.The learned Government Advocate appearing for the official respondents would submit that the complaint of the petitioner has been received and the enquiry is pending. He would further submit that the petition seeking the relief to take action against the 3rd respondent is not at all maintainable and is liable to be dismissed.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent/police.

5.It is the admitted case of the petitioner that he has paid a sum of RS.10,00,000/- to one Daniel Sanjay for supply of vehicles from M/s. Pearl Honda Company regularly to the petitioner's show room. It is stated that at one point of time, it was stopped and the petitioner approached the said Daniel Sanjay and his wife to continue to supply vehicles to his show room regularly. The 3rd respondent is the Sub Inspector of Police and it is a business transaction between the petitioner and one Daniel Sanjay and the present petitioner has filed an affidavit that the 3rd respondent has not taken action on his complaint. The transaction itself is purely a business transaction and if at all the petitioner is aggrieved, he has to work out his remedy in the manner known to law and the prayer in this Writ Petition is totally misconceived.

6.Accordingly, this Writ Petition is dismissed . No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE :

WEB COPY

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
- 3.The Sub-Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

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