



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.01.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition (MD) No.24377 of 2018

and

W.M.P(MD)No.22065 of 2018

WEB COPY

M.Levai Inigo ... Petitioner
Vs.

- 1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Home Department, Fort. St. George, Secretariat,
Chennai - 600 009.
- 2.The Director General of Police,
Police Head Quarters,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.
- 3.The Additional Director General of Police,
CBCID, SIDCO Electronic Complex,
Block No.3, First Floor,
Guindy Industrial Estate, Chennai - 34.
- 4.The Inspector General of Police,
South Zone, Race Course Road,
Madurai - 2.
- 5.The Deputy Inspector General of Police,
Ramanathapuram Range, Ramanathapuram
Ramanathapuram District.
- 6.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 7.The Deputy Superintendent of Police,
Ram Nagar, Devakottai,
Sivagangai District.
- 8.The Inspector of Police,
CBCID Wing, Sivagangai,
Sivagangai District.
- 9.The Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.



10.The Sub Inspector of Police,
Devekottai Taluk Police Station,
Devakottai,
Sivagangai District.

11.Meenakshi Sundaram
Sub-Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.

12.Rajkamal
Sub Inspector of Police,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.

13.Selvandran
Police Constable,
Devakottai Taluk Police Station,
Devakottai,
Sivagangai District.

...Respondents

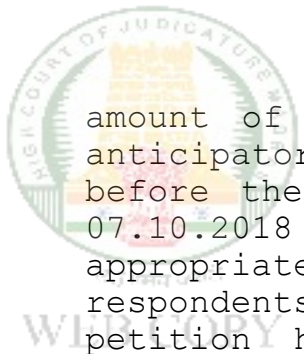
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 9 herein to take appropriate criminal prosecution and appropriate action against the respondents 11 to 13 herein based on the petitioner's representation dated 07.10.2018 and 03.12.2018 within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.N.Saravanan
For Respondents : Mr.S.Chandrasekar
Addl. Public Prosecutor
(for R1 to R10)

O R D E R

The writ petition has been filed seeking a direction to the respondents 1 to 9 herein to take appropriate criminal prosecution and appropriate action against the respondents 11 to 13 herein based on the petitioner's representations dated 07.10.2018 and 03.12.2018.

2.The case of the petitioner is that he is the owner of the JCB bearing registration No.TN 63 H 2208. From 16.09.2018 to 20.09.2018, his vehicle had been engaged for the purpose of putting up pipe line as well as digging up pit for planting coconut trees in the premises of Vallal Mena Hospital situated at Kodikottai village in Devakottai Taluk and the vehicle was parked in the premises on 20.09.2018. The respondents 11 and 12 foisted a false case in Crime No.216 of 2018 and seized the vehicle for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957, alleging that the petitioner removed Karambai sand in Pyloneganadu Kanmoi. The respondents 11 and 12 received the



amount of Rs.8000/- from the petitioner and advised him to file anticipatory bail. Subsequently, the vehicle was not produced before the Court. The petitioner had sent representations dated 07.10.2018 and 03.12.2018 to the respondents 1 to 9 to take appropriate criminal prosecution and appropriate action against the respondents 11, 12 and 13. Since no action had been taken, the writ petition has been filed seeking to take appropriate criminal prosecution based on the representations dated 09.10.2018 and 03.12.2018. An interim application had been filed seeking for a direction to the 9th respondent to return the vehicle in question.

3.The learned Additional Public Prosecutor would submit that the petitioner is an accused in Crime No.216 of 2018 registered by the respondent police for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957. The JCB 3DX Excavator Loader, Vellor colour bearing registration No.TN 63 H 2208 was seized by the respondent and thereafter, it had been produced before the learned Judicial Magistrate, Devakottai in P.R.No.143/2018 dated 19.02.2018. He would further contend that the petitioner is an accused and he was already involved in a murder case registered in Crime No.142 of 2008 for the offences under Sections 304(a) @ 120(b), 302 IPC. Further, the petitioner is also a sand offender involved in Crime No.209/2016 dated 20.07.2016 and he had been convicted by the Revenue Divisional Officer, Devakottai in M.C.No.4757 of 2016 and was also imposed a fine of Rs.1,29,440/-. He would further contend that the representations were made to threaten the police officials by making false allegations and implicating them in their personal capacity and thereby, the representations of the petitioner dated 07.10.2018 and 03.12.2018 having been considered and closed.

4.Heard both sides and perused the materials available on records.

5.Taking into consideration the submission of the learned Additional Public Prosecutor that the vehicle in question seized by the respondent police has been produced before the Judicial Magistrate, Devokottai on 19.02.2018 itself and the petitioner is also involved in another sand theft case and that the petitioner is an accused in a murder case and that the representations have been considered and closed, the writ petition is closed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



ksa/skn

To

1.The Principal Secretary to Government,
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Chennai - 600 009.

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