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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.29645 OF 2018

AND

W.M.P.NO.34610 OF 2018

M.Venkatesan

... Petitioner

.Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Superintendent of Police,
Dhamapuri District.
3. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
4. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
5. B.Prasad

... Respondents

PRAYER:-

This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 3 and 4 to repossess the car bearing Registration No.TN 45 BA 4444 innova Car from 5th respondent consequently, the 3rd and 4th respondents to conduct the enquiry and handed over the same to the petitioner.

For Petitioner : Mr.V.R.Anna Gandhi

For Respondents : Mr.A.Gopinath
Government Advocate
(CrI. side)



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ORDER

This Writ Petition has been filed to directing the respondents 3 and 4 to conduct enquiry and handed over the car to the petitioner from 5th respondent.

2. The case of the petitioner is that the petitioner is the owner of the car bearing Registration No.TN 45 BA 4444. The petitioner obtained loan from Sri Ram Transport Finance company, Salem for a sum of Rs.6 Lakhs, for which, he pledged RC. Book to the said company. Thereafter, the petitioner leased out his car to one Chinnan, who residing at Ariyanoor, Salem for monthly rent of Rs.18,000/- . The said Chinnan has paid monthly rent for two months. Thereafter, he did not pay the rent. The petitioner requested to the said Chinnan to hand over the said vehicle. But he did not hand over the same. Hence, the petitioner lodged a complaint before the Commissioner of Police, Salem and the said complaint was forwarded to the Inspector of Police, Kondalampatti Police Station.

3. In the meanwhile, the Inspector of Police, Karimangalam Police Station, was seized four vehicle. The petitioner was informed by the Inspector of Police, all the vehicles were handed over to the Tahsildar, Karimangalam, after registering the case in Crime No.404 of 2017 dated 15.09.2017. The petitioner made several representation to the 4th respondent to hand over the vehicle. The Tahsildar, based on the representation, in order to conduct an enquiry, sent a summon to the petitioner as well as the 5th respondent dated 24.04.2018. Till date, no order was passed. Hence, the petitioner has filed the present writ petition before this Court.

4. The grievance of the petitioner is that the petitioner is the owner of the said vehicle which was leased out in favour of one Chinnan for monthly rent. But the said Chinnan has not paid any rent to the petitioner. In fact, the petitioner settled all the dues to the Sri Ram Finance Company and possessed all the original documents. The third respondent handed over the car to the fourth respondent, is legally non sustainable one. Hence, the learned counsel prays this Court to allow this petition.

5. Heard learned counsel for the petitioner as well as the Government Advocate (Crl side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has the original RC Book of the vehicle, there shall be a direction to the 3rd and 4th respondents to call the parties for an enquiry and after enquiry, the 4th respondent shall pass appropriate orders



within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 4th respondent along with relevant copies.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Superintendent of Police,
Dharmapuri District.
3. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
4. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.

+1cc to Mr.V.R.Anna Gandhi, Advocate, S.R.No.35996

W.P.NO.29645 OF 2018 AND
W.M.P.NO.34610 OF 2018

PMK(CO)
PBS/03/09/2021