



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.1409 of 2021

and

C.M.P (MD) .No.5845 of 2021

and

W.P (MD) .No.9264 of 2021

and

W.M.P (MD) .No.6977 of 2021

Sri Sivasakthi Bus Service
Rep. by its Managing Partner
R.Tamilselvan.

... Appellant/Petitioner

Vs.

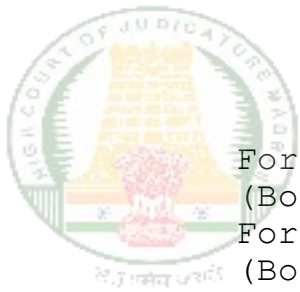
1. The Inspector of Police,
B-1, Police Station,
Madurai to Rameshwaram Road,
Ramanathapuram,
Ramanathapuram District.

2. V.Palanisamy

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.9264 of 2021, dated 05.05.2021.

Prayer in W.P(MD) .No.9264 of 2021: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the first respondent to immediate release and handover custody of the writ petitioner's Firm's Public Transport Passengers' Bus bearing its Registration No.TN-63-R-7981 and the spare bus bearing its Registration No.TN-38-AF-6285, which operating from Paramakudi to Ramanathapuram via Muthukulathur, Sikkal and Ervadi and consequently directed the first respondent to ensure smooth running and plying of the petitioner's Public Transport Passengers' Bus in the interest of the passengers as well as other Partners of the writ petitioner's Firm.



For Appellant : Mr.A.Saravanan
(Both in W.A and W.P)
For Respondents : Mr.A.K.Manikkam,
(Both in W.A and W.P) Standing Counsel for Government
for R1

WEB COPY

COMMON JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.A.Saravanan, learned counsel appearing for the appellant-writ petitioner and Mr.A.K.Manikkam, learned Government Counsel appearing for the respondents.

2. This writ appeal is directed against an interim direction issued in W.P(MD).No.9264 of 2021 and W.M.P(MD).No.6977 of 2021, dated 05.05.2021.

3. With the consent of the learned counsel appearing for the appellant and the learned Government Counsel appearing for the first respondent, the writ appeal as well as the writ petition are disposed of by this common judgment and order.

4. We dispense with notice to the second respondent for two reasons. Firstly, the interim order in the writ petition was granted at the admission stage, without hearing the second respondent. Secondly, if there is alleged dispute between the appellant and the second respondent, that cannot be resolved in a writ petition nor it can be resolved by the first respondent-Police. Therefore, notice to the second respondent is dispensed with.

5. The appellant filed the writ petition for a direction upon the first respondent-Police to immediately release and handover the custody of the Stage Carriage Bus, bearing registration No.TN-63-R-7981 and spare bus bearing registration No.TN-38-AF-6285. As submitted by the learned Government Counsel before the learned Writ Court as well before us, there is no criminal case registered against the appellant nor against the second respondent. However, it appears that there is some dispute between the appellant and the second respondent and the bus is now parked in the first respondent-police station premises. It is rather surprising us as to how the first respondent-Police has allowed private parties to park their buses in the police station premises. This itself will give raise to a criminal offence.

6. Since there appears to be certain dispute between the appellant and the second respondent, we direct the first respondent-Police to register a case in respect of those two buses and produce the buses before the Court of Judicial Magistrate and it will be



open to the appellant as well as the second respondent to file appropriate petition and seek necessary orders from the Court of Judicial Magistrate.

7. With the above observations, the Writ Appeal and Writ Petition stand disposed of. The first respondent-Police is directed to comply with the above direction within a period of one week from the date of receipt of a copy of the judgment. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note: 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:

The Inspector of Police,
B-1, Police Station,
Madurai to Rameshwaram Road,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-23019[F] dated 19/07/2021)

+1 CC to M/s. SPL GP (SR-23342[F] dated 20/07/2021)

W.A. (MD)No.1409 of 2021

and

W.P (MD) .No.9264 of 2021

19.07.2021

RC (03.08.2021)3P-4C