



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.33445 OF 2015

R.Adhi Ganesh

...Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore City,
Coimbatore.
2. Thiru. Veerapandi,
Inspector of Police,
Alandurai Police Station,
Coimbatore City,
Coimbatore District.
3. Thiru. Jothi,
Inspector of Police,
B-4 Race Course Police Station,
Coimbatore City,
Coimbatore District.
4. The Inspector of Police,
B9 Saravana Patti Police Station,
Coimbatore City,
Coimbatore District.
5. Thiru. Asmath Mehdi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 14.09.2015 and thereby direct the 1st respondent to take suitable lawful action against the respondents 2 and 3 police officials who were abusing their officials powers by extending their aid to the 5th respondent to get return of his cattle from the Goshala pertaining to Crime No.342/2015 pending on the file of the 4th respondent Saravanapatti Police Station, Coimbatore District in a high handed manner.



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For Petitioner	:	Mr.S.Suresh
For R1 and R4	:	Mr.T.Venkatesh Kumar Special Government Pleader
For R2 and R3	:	No Appearance
For R5	:	Mrs.Selvi Rajesh

ORDER

The relief sought for in the present writ petition is to consider the representation submitted by the writ petitioner on 14.09.2015 with reference to the provisions of the Prevention of Cruelty to Animals Act 1960.

2. The 4th respondent filed a counter affidavit responding to the complaint filed by the writ petitioner and the relevant portion of the counter affidavit reads as under.

"On 27.06.2015 at 01.30 hrs the petitioner Thiru.Aadhi Ganesh appeared at B9 Saravanampatti Police Station, and gave a written complaint stating that at about 1.00 am in the same day he found a Eicher Container lorry bearing Registration.No.KA 11 A 5678 carrying 21 Buffaloes in a congested manner, that he enquired with the driver Natheem Mohamed and found that both the driver and cleaner Siva were transporting the said buffaloes from Mandiya in Karnataka State to Palakkad in Kerala State. Sub-Inspector of Police Thiru.Ibbrahim Badhusa received the complaint and registered it as B9 Saravanampatti police Station Crime No.342/15U/s.11(a) (b) (c) (d) (e) (f) of the Prevention of Cruelty to Animals Act 1960 r/w. 47 to 54 of Transport of Animals Rules, 1978 and took up the investigation Along with his complaint, the defacto the complainant produced the driver Natheem Mohamed and cleaner Siva of the said lorry containing the said 21 Buffaloes.

The said Sub-Inspector of Police arrested the driver and cleaner as accused in this case and released them on bail on 27.06.2015 itself. He produced the said 21 Buffaloes before "Velliangiri Kosalai"situated at Pachapalayam, Narasimapuram Village near Coimbatore on the morning of 27.06.2015 and obtained the acknowledgement receipt from witness Nandakumar, the Manager of the said Kosala. The Said



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Sub-Inspector of Police seized the said lorry under a Magazar on 27.06.2015 at 01.45 A.M. under a seizure magari and remanded the same in the Court of the Learned Judicial Magistrate No.II, Coimbatore in P.R.No.610/15"

3. In view of the fact that the action has already been taken by the respondent and it is for the authorities to pursue the same in the manner known to law.

4. Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1. The Commissioner of Police,
Coimbatore City,
Coimbatore.
2. The Inspector of Police,
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Coimbatore City,
Coimbatore District.
3. The Inspector of Police,
B-4 Race Course Police Station,
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Coimbatore District.
4. The Inspector of Police,
B9 Saravana Patti Police Station,
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Coimbatore District.

+1cc to the Government Pleader, S.R.No.6002

W.P.No.33445 of 2015

AK(CO)
RLP(10/02/2022)