



W.P.No.5928 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.5928 of 2014

and

M.P.No.1 of 2014

R.Sadasivam

... Petitioner

Vs.

1. The Commissioner of Police,
Marshalls Road,
Egmore,
Chennai.
2. The Commissioner of Police,
Anti-corruption and Vigilance,
Chennai.
3. The Superintendent of Police,
Vilupuram District,
Vilupuram.
4. The Inspector of Police,
B-5, Valavanoor Police Station,
Villupuram,
Tamil Nadu.
5. The Assistant Sub-Inspector of Police,
B-5, Valavanoor Police Station,
Villupuram,
Tamil Nadu.



W.P.No.5928 of 2014

6. The Inspector of Police,
Excise Department,
Vilupuram District.
7. Sankar,
Deputy Superintendent of Police,
Vilupuram District.
8. Ravi,
Inspector of Police,
B-5, Valavanoor Police Station,
Villupuram,
Tamil Nadu.
9. Selvaraj,
Assistant Sub-Inspector of Police,
B-5, Valavanoor Police Station,
Villupuram,
Tamil Nadu.
10. K.Karikalan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the fourth, fifth and sixth respondent to pay suitable compensation which may be fixed as just and proper for the improper, vexatious, malafide and vindictive, investigation conducted on the petitioner, and consequently direct the first and second respondent to initiate appropriate departmental action against the seventh, eighth and ninth respondent for abusing their position and for exercising excessive of power delegated to them, to punish them in accordance with law.



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W.P.No.5928 of 2014

For Petitioner : Mr.V.Balamurugane
For Respondents :
R1 to R5 : Mrs.P.Rajarajeswari
Government Advocate
R6, R8 & R9 : Dismissed vide order
dated 01.10.2015
R7 & R10 : No Appearance

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus to direct the fourth, fifth and sixth respondent to pay suitable compensation which may be fixed as just and proper for the improper, vexatious, malafide and vindictive, investigation conducted on the petitioner, and consequently direct the first and second respondent to initiate appropriate departmental action against the seventh, eighth and ninth respondent for abusing their position and for exercising excessive of power delegated to them, to punish them in accordance with law.

2. The learned counsel for the official respondents would submit that the tenth respondent's vehicle was seized on 31.12.2013, carrying huge quantity of liquor contrary to the restriction contained under the provisions of the Puducherry Excise Act, 1970 and the rules made therein.



W.P.No.5928 of 2014

3. It is further submitted that at present a criminal case is pending before the Judicial Magistrate, Villupuram in C.C.No.54 of 2015, pursuant to Crime No.1 of 2014, before the fourth respondent Police Station.

4. Considering the above, I do not find any merits in the present writ petition. Therefore, this writ petition is liable to be dismissed. In case, it is held that the vehicle was either wrongly seized and or the petitioner was wrongly prosecuted in C.C.No.54 of 2015 in Crime No.1 of 2014, it is always open for the petitioner to file a suit for malicious prosecution.

5. The writ petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

11.10.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
rgm



W.P.No.5928 of 2014

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W.P.No.5928 of 2014

C.SARAVANAN, J.

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W.P.No.5928 of 2014
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M.P.No.1 of 2014

11.10.2022