



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD).No.12312 of 2022

Mayandi,

: Petitioner

Vs

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
S.S. Colony Police Station,
Madurai District.

3. Cholamandalam Finance Company,
Rep.By its Manager,
Branch Office,
Bye-Pass Road,
Palanganatham,
Madurai-16.

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 and 2 to release the Vehicle (Mahindra Supro Mini Truck) bearing Registration No. TN-58-BW-0155 to the Petitioner, which is illegal custody from the third respondent, on the basis of the petitioner's representation, dated 23.05.2022.

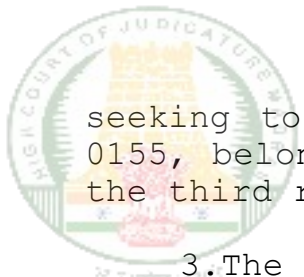
For Petitioner : M/s.Rajaram.A,
For R1 and R2 : Mr.M.Sakthi Kumar,
Government Advocate (Cr1.Side)

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents No.1 and 2 to release the Vehicle (Mahindra Supro Mini Truck) bearing Registration No. TN-58-BW-0155 to the Petitioner, which is illegal custody from the third respondent, on the basis of the petitioner's representation, dated 23.05.2022.

2.The learned Counsel appearing for the petitioner seeks this Court to consider the petitioner's representation, dated 23.05.2022,

<https://hcservices.ecourts.gov.in/hcservices/>



seeking to recover the vehicle bearing registration No. TN-58-BW-0155, belongs to the petitioner, which is in the illegal custody of the third respondent herein.

3.The learned Government Advocate (Crl.Side) submitted that in the representation dated 23.05.2022, there is no such allegation that the petitioner's vehicle is in illegal custody of the third respondent. Further stated that there was a loan agreement between the petitioner and the third respondent, with regard to the said vehicle and hypothe--- in this matter. The police cannot recover his vehicle from the third respondent.

4.Considering the matter in the light of the submissions made by both the Counsels and on a perusal of records, it reveals that the petitioner gave a representation, dated 23.05.2022, to the second respondent, alleging that on 12.04.2022 at about 05.00 pm, when the petitioner taken his car from the Hyundai Susee Cars and Tracks Private Limited, after car service, five to six unknown persons assaulted the petitioner and his wife, namely, Jeyalakshmi, then, they snatched the car and absconded. Hence, he gave the complaint. But, he did not disclose that how the said car is in illegal custody of the third respondent.

5.Therefore, in the absence of any allegation in the representation, dated 23.05.2022, with regard to the illegal custody of his vehicle with the third respondent and in the absence of any allegation, how the said vehicle goes to the custody of the third respondent, this Court cannot give any direction to the respondent police to consider the representation, dated 23.05.2022.

6.In my opinion, I find no merit in this writ petition and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

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/06/2022

Sub Assistant Registrar(CS)

lr

To

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
S.S. Colony Police Station,
Madurai District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.À. RAJARAM, Advocate (SR-26586[F] dated 17/06/2022)

W.P (MD) .No.12312 of 2022
17.06.2022

MGJ(28.06.2022) 3P 5C