

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.09.2022**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.18104 of 2014

1.P.Krishnamoorthy
2.Ramasubbu

... Petitioners

/Vs./

1.The Principal Secretary,
Department of Home,
Govt. of Tamil Nadu,
Fort. St. George, Chennai.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

3.Inspector of Police,
Sankarankovil Police Station,
Sankarankovil, Tirunelveli District.

4.Mr.Prabakaran,
Inspector of Police,
Sankarankovil Police Station,
Sankarankovil, Tirunelveli District.

5.M.A.C.M. Chindambaram,
Proprietor, M/s. Sakthi Match Trading Company,
No.1/6/273-B Sivanthan Nagar, Sivakasi.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay a sum of Rs.50,000/- towards the loss caused by the 4th respondent due to his illegal seizure of the 2nd petitioner's safety matches from his godown on 25.7.14 and Rs.5,00,000/-

towards the damage caused to the petitioner's reputation and their lawful business due to the unlawful action taken by the 4th respondent in abuse of his office as Inspector of Police, Sankarankoil.

For Petitioners : Mr.R.Subramanian

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

(For R1 to R3)

: Mr.S.Balakarthick (For R4)

: Mr.N.Sudalai Muthu (For R5)

ORDER

This Writ Petition was filed for issuance of Writ of Mandamus, directing the respondents to pay compensation for the alleged loss caused to the petitioners by the fourth respondent, due to the illegal seizure of the safety matches that were stored in the godown of the petitioners and for damaging the reputation of the petitioners.

2.Heard Mr.R.Subramanian, learned counsel appearing for the petitioners, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents 1 to 3, Mr.S.Balakarthick, learned counsel appearing for the fourth respondent and Mr.N.Sudalai Muthu, learned counsel appearing for the fifth respondent.

3.It is brought to the notice of this Court that based on a complaint given by the petitioners, FIR came to be registered for various offences in Crime No. 503 of 2014 by Sankarankovil Town Police Station. Ultimately, on completion of the investigation, a final report came to be filed before the learned Judicial Magistrate, Sankarankovil and the same was taken up on file in C.C.No.1256 of 2014. It is further brought to the notice of this Court that the matter is now at the stage of trial and came up for hearing previously on 29.08.2022.

4.In view of the above development, no further orders can be passed in this writ petition, since it may have a bearing in the pending criminal proceedings. It is left open to the petitioners to raise all the grounds as defence before the Court below and the same will be considered independently, based on the evidence collected during the trial and in accordance with law. Accordingly, this Writ Petition is disposed of. No costs.

12.09.2022

Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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To:

- 1.The Principal Secretary,
Department of Home,
Govt. of Tamil Nadu,
Fort. St. George, Chennai.
- 2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 3.Inspector of Police,
Sankarankovil Police Station,
Sankarankovil, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
W.P.(MD)No.18104 of 2014

Dated:
12.09.2022