



W.P.(MD)No.28100 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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Sakthivel

... Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai.
2. The Additional Director General of Police,
Food Cell,
Civil Supplies,
E.V.R Periyar Complex,
First Floor, "B" Unit,
474, Anna Salai, Nandhanam,
Chennai – 35.
3. The Commissioner of Police,
Madurai City,
Commissioner Office,
Madurai – 07.
4. The Inspector of Police,
Anna Nagar Police Station,
Madurai -20.



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5. The Inspector of Police,,
CSCID – Madurai,
Madurai District.

6. Mr.M.Prem Anand,
Inspector of Police,
CSCID – Madurai
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action / departmental action against the 6th respondent by considering his representation/ complaint dated 10.11.2022 and further direct the 5th Respondent to return 641 bags of broken rice each containing 50kgs, mini goods vehicle bearing registration number TN-50-H-2526 Eicher vehicle and CCTV hard – disks worth about Rs.20,00,000/-which were illegally taken by the 6th Respondent.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr. C. Satheesh
Government Advocate
for R1 to R5



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ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to take appropriate action / departmental action against the 6th Respondent by considering his representation/complaint, dated 10.11.2022 and direct the 5th Respondent to return 641 bags of broken rice each containing 50 kgs, mini goods vehicle bearing Registration No.TN-50-H-2526, Eicher vehicle and CCTV hard disks worth about Rs.20,00,000/- (Rupees Twenty Lakhs only), which were illegally taken by the 6th Respondent.

2. The case of the petitioner that the petitioner is a businessman and is doing broken rice sales business in the name and style of “Sri Alagumalaiyan Traders” in a godown at Madurai. On 06.11.2022, at about 10.30 p.m., two identified persons broke open the padlock of his godown and stole 641 broken rice bags and his mini goods vehicle bearing Registration No.TN-50-H-2526. On hearing about the same, the petitioner went to godown at about 03.00 a.m., on 07.11.2022 and found that 641 broken rice bags were missed and also the mini load vehicle, CCTV camera



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and hard disks were stolen. After verification of the CCTV footage from nearby the shop, he called the police and the police has visited the shop only at 07.10 a.m. on 07.11.2022 and directed the petitioner to come to Anna Nagar Police Station for further proceedings. However, no legal action has been taken by the Police. Later, on enquiry, it was found that two persons, who belong to the Civil Supplies Criminal Investigation Department, had stolen the broken rice bags and seized the mini load vehicle. Immediately, he made a complaint before the higher Officials as against the said Officials. However, till date, no action has been taken. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner's shop was broken out by the Inspector of Police in CSCID on 06.11.2022. However, no First Information Report has been registered. In order to deprive the right of the petitioner, an F.I.R was registered as against him on 07.11.2022. Further, after a delay of 10 days, the F.I.R was registered as against the 6th respondent and the 6th respondent has inspected the petitioner's shop without issuing any notice and stolen the



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broken rice bags.

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4. Per contra, the learned Government Advocate appearing for the respondents would submit that based on the information, search was conducted by the sixth respondent/Inspector of Police and he seized the vehicle bearing Registration No.TN-50-H-2526 with 3600 kgs of ration rice each containing 40 kgs. Thereafter, the said ration rice was sent for analysis and the Law Enforcing Agency has registered a case against the petitioner in Crime No.237 of 2022 on 07.11.2022. If the petitioner is aggrieved by the action taken by the 6th respondent, he has to work out his remedy before the Competent Authority. Without exhausting the remedy available to the petitioner, filing a writ petition under Article 226 of the Constitution of India is not sustainable one. Further, the petitioner is a habitual offender and in the year 2017, he was arrested under the Goondas Act. Hence, he prays for dismissal of the present writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 5.



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6. The facts in the present case are not in dispute. The petitioner claims that he is doing the broken rice business and without obtaining any prior permission, the 6th respondent had broken open the padlock of godown of the petitioner and stolen the broken rice bags and seized the vehicle belonging to the petitioner. However, a perusal of the records produced by the respondents reveals that after coming to know about the illegal transportation of ration rice, the 6th respondent visited the godown of the petitioner and seized the vehicle and the broken rice bags, for which, a case was registered against the petitioner in Crime No.237 of 2022 and the 6th respondent handed over the entire rice taken from the petitioner's godown to the Tamil Nadu Civil Supplies Corporation. The same was sent to the Competent Authority for analysis. There is no illegality or irregularity in the action taken by the 6th respondent. Hence, this Court is not inclined to issue a direction to the respondents 1 to 3 to take appropriate action against the 6th respondent. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.



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7. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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