



W.P.(MD) No.10839 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.10839 of 2020

S.Ilayaraja

... Petitioner

/vs./

- 1.The Zonal Officer,
Department of National Highways,
Zonal Office,
Guindy,
Chennai.
- 2.The Competent Officer,
Transport near Valavanthan Kottai Toll Plaza,
Valavanthan Kottai Toll Plaza,
Thuvakudi,
Trichy District 620 015.
- 3.The Inspector of Police,
Ayyampettai,
Thanjavur District.

*(R3 has been impleaded vide
order dated 03.09.2020)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to furnish the CCTV



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Video footage dated 23-07-2020 at about 8.00 PM to 8.30 PM recorded by the 2nd respondent and issue a copy of Receipt of toll charges paid to the vehicle bearing registration No.TN 81 W 3946 dated 23/07/2020 based on the petitioner's representation dated 04-08-2020 within the time stipulated by this Court.

For Petitioner : Mr.P.Palaniappan
For R1 & R2 : No appearance
For R3 : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioner is attempting to reduce this Court exercising the jurisdiction under Article 226 of the Constitution for evidence gathering.

2.The above writ petition has been filed for the issue of a Writ of Mandamus directing the respondents to furnish the CCTV footage dated 23.07.2020 at about 8.00 pm., to 8.30 pm., recorded by the second respondent and issue a copy of the receipt of toll charges paid to the vehicle bearing registration No.TN 81 W 3946 based on the petitioner's representation dated 04.08.2020.

3.It is the case of the petitioner that he is the elected President of Sengalur Panchayat, Pudukottai District. A criminal case has been filed against the



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petitioner and three others that he and his wife had poured kerosene on the defacto complainant and he had set fire and thereafter all of them had escaped from the place. The petitioner would submit that at the relevant point of time, he was nowhere near the scene of crime and that he was returning from his native place in his Car and at the time when the crime is said to have been committed, he and his wife had crossed the Valavanthankottai toll plaza on 23.07.2020 at about 08.30 pm., Therefore, to prove his case, he had sought for the CCTV footage of Valavanthankottai toll plaza and the receipt of the toll charge. Therefore, the Writ Petition has been filed for a Mandamus.

4.What the petitioner seeks is an evidence, which he can always obtain by filing necessary applications in the criminal case now pending. The petitioner cannot seek a Mandamus to the respondents in this regard. The Writ Petition is totally misconceived and consequently is dismissed. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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To

The Inspector of Police,
Ayyampettai,
Thanjavur District.

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