



WEB COPY



WP.No.9191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.9191 of 2024

V.Thiyagarajan

... Petitioner

Vs.

1. The Commissioner of Police,
Commissioner Office,
Vepperi, Chennai-600 007.

2. The Inspector of Police,
Pookadai Police Station,
Parry's Corner, Chennai.

3. S.Dharman
The Special Sub Inspector,
Pookadai Police Station,
Parry's Corner, Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first and second respondent to take appropriate action against the act of third respondent police and further replace the original parts of the petitioner's bike bearing Vehicle No.TN-06-AB-7287(Hero Honda Splender Plus) as per the representation dated 04.11.2023 and pass suitable orders therefore in the nature and circumstances of the case.

For Petitioner : Mr.M.Abdul Kareem



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For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner herein, owner of two wheeler (Hero Honda Splendor Plus) bearing Reg.No.TN-06-AB-7287 is before this Court stating that he was booked for drunk and driving on 09.05.2023 and his vehicle was seized from him. Later, he pleaded guilty and paid fine on 01.11.2023 and thereafter, sought for return of the vehicle, but to his shock, the alloy wheels of his two wheeler had been replaced by the police and such alloy wheels cost around Rs.50,000/- and therefore, direction to be passed to the respondents 1 and 2 to take appropriate action against third respondent police for replacing the original parts (alloy wheels) of his two wheeler.

2. The learned counsel for the petitioner shows some photographs of his two wheeler which according to him when it was seized from him, the vehicle had an alloy wheel and the plate. When he went to collect the two wheeler, the wheels are found to be damaged, the same may be replaced.



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3. The learned Government Advocate (CrI.Side) submits that the two wheeler of the petitioner was seized on 09.05.2023 during the vehicular check. The petitioner was found, riding the vehicle after consuming alcohol and therefore a petty case was registered against him and he paid the challan on 01.11.2023 through internet. On 02.11.2023, though he alleges that he went to the police station for producing the receipt to take back the vehicle and at that time he found that the battery in the vehicle missing and two alloy wheels are replaced with rusty old wheel and tyre. It is not true, the vehicle after seizure on 09.05.2023 been in custody of the police and after six months, the petitioner paid the challan receipt is entitled to take that vehicle, but he has not taken the vehicle, making some protest which is not factually correct.

4. According to the petitioner soon after noticing that spares have been replaced. He made a representation to the first respondent on 04.11.2023 and the said representation was forwarded to the Assistant Commissioner of Police on 13.12.2023, till date, no action been taken and hence, the present writ petition.



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5. This Court after going through the records and the averments find that the petitioner was pleaded guilty of riding a two wheeler in drunken state and paid the fine and after six months of his seizure of the vehicle alleges that some of the spares were replaced. The photographs which he has annexed to impress upon this Court does not give any clue or lead that the spares were replaced, particularly, the photographs which according to the petitioner of a two wheeler with alloy wheel does not indicates the registration number. Therefore, these sort of factual disputes cannot be sorted out in a writ petition. Hence, this Court is of the view that this writ petition cannot be entertained.

6. According Writ Petition is dismissed. No costs.

Vv

05.04.2024

To

1. The Commissioner Office,
Vepperi, Chennai-600 007.
2. The Inspector of Police,
Pookadai Police Station,
Parry's Corner, Chennai.
3. S.Dharman
The Special Sub Inspector,
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Dr.G.JAYACHANDRAN,J.

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