



WP(MD)No.575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.575 of 2024

R.Nagarajan

... Petitioner

/vs./

- 1.The Regional Transport Officer,
Kumbakonam, Thanjavur District.
- 2.The Deputy Superintendent of Police,
Kumbakonam, Thanjavur District.
- 3.The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District.
- 4.The Special Sub Inspector of Police (SSI)
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District.
- 5.M.V.Sundaram
- 6.The Superintendent of Police, Thanjavur.
(R6 suo-motu impleaded by this Court order
dated 12.01.2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd and 4th Respondents to hand over the Petitioner's Mini Bus bearing Registration No.TNP-7374, it



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was taken from the Petitioner's custody by the 4th Respondent on 04.12.2023 forthwith.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1 to 4 &6

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, to direct the the 3rd and 4th Respondents to hand over the Petitioner's Mini Bus bearing Registration No.TNP-7374, it was taken from the Petitioner's custody by the 4th Respondent on 04.12.2023 forthwith.

2. The learned Counsel for the Petitioner submits that the Petitioner along with 5th Respondent was running a Mini Bus. While so, there arose dispute between them. The Respondents 3 and 4 are alleged to have taken control of the Bus and issued summons to the Petitioner and the said vehicle was not yet handed over to the Petitioner.

3. The learned Additional Public Prosecutor submits that based on the complaint of the 5th Respondent, C.S.R was registered and the same was closed as “civil dispute”. As there is a civil suit pending in O.S.No.313



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of 2023, before the learned Additional District Judge, Kumbakonam, filed by the 5th Respondent herein.

4. If the submission of the learned Counsel for the Petitioner is true, it is in violation of the Circular of the Additional Director General of Police, Law & Order, Tamil Nadu, in C.No.18/ ADGP/ L&O/Camp/2024, dated 09.01.2024. Therefore, the Superintendent of Police, Thanjavur, is suo-motu impleaded as 6th Respondent.

5. Considering the allegations levelled against the Respondents 3 and 4 by the Petitioner, the Superintendent of Police, Thanjavur, shall issue summons to the Petitioner and hold enquiry regarding the allegations levelled against the Respondents 3 and 4 by the Petitioner, in the light of the Circular of the Additional Director General of Police, and pass appropriate orders.

6. With the above directions, this ***Writ Petition*** is disposed of.

No costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No.
LS

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SATHI KUMAR SUKUMARA KURUP, J.

LS

TO:

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Kumbakonam, Thanjavur District.
- 3.The Inspector of Police,
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Kumbakonam, Thanjavur District.
- 4.The Special Sub Inspector of Police (SSI)
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District.
- 5.The Superintendent of Police, Thanjavur.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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12.01.2024