



WEB COPY

W.P.(MD).No.8249 of 2021



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 12.12.2023
Pronounced on:07.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

W.P(MD)No.8249 of 2021

J.Sobha

Vs.

... Petitioner

1. The Secretary to Government,
Home and Police Department,
Secretariat,
St.George Fort, Chennai.
2. The Inspector General of Police,
South Zone,
Madurai.
3. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.
4. The Superintendent of Police,
Kanyakumari District
Nagercoil.



W.P.(MD).No.8249 of 2021

5. Vanitha Rani

Inspector of Police,
Crime against Women and Children,
Superintendent of Police Office,
Nagercoil,
Kanyakumari District.

6. U.Senthilvel,

Sub Inspector of Police,
Armed Reserve Camp,
Maravan Kudiyiruppu,
Nagercoil,
Kanyakumari District.

7. Jose Kumar,

Head Constable No.1969,
Vellichanthai Police Station,
Kanyakumari District.

8. P.Ramesh,

Head Constable No.1270,
Vadaseri Police Station,
Nagercoil,
Kanyakumari District.



W.P.(MD).No.8249 of 2021

9. The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

... Respondents

*(R9 is impleaded vide Court order dated 21.11.2023 in
WMP(MD)No.17218/2023 in WP(MD).8249/2021 by KKRKJ)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus or any other writ or order or direction of a like nature directing the respondents to grant compensation of Rs.4,98,380/- for illegally detaining the vehicle bearing Reg.No.TN 32 V 3299 by considering the representation of the petitioner dated 11-11-2019.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor
for R1 to R4 and R9

: Mr.G.Mohan Kumar for R5

: M/s. P.Jessi Jeeva Priya for R6 to R8

ORDER

This Writ Petition has been filed to direct the respondents to grant compensation of Rs.4,98,380/- for illegally detaining the petitioner's vehicle bearing Reg.No.TN 32 V 3299 by considering the petitioner's representation dated 11.11.2019.



WEB COPY

2.The writ petitioner is the owner of the Taurus lorry bearing Registration No.TN 32 V 3299. On 29.04.2017, the petitioner has purchased three units of river sand with proper license and also transit pass. On 30.04.2017 at 5.40 p.m, the respondents 5 to 8 illegally detained the said vehicle and kept it in the Station. To release the vehicle, they demanded bribe amount. Therefore, he was unable to get the release of vehicle. After 71 days, the vehicle was released. Therefore, he sustained loss and hence, he filed the present writ petition seeking compensation.

3.The learned counsel appearing on behalf of the petitioner submitted that despite having license, valid permit and also the transit pass, respondent Nos.5 to 8 illegally detained the said vehicle and demanded bribe amount. Therefore, she submitted a representation on 11.01.2019 to the respondents 1 to 4 to take action against the officers namely the respondents 5 to 8. As per the representation, the third respondent initiated the action against all the persons and conducted the departmental proceedings by appointing enquiry officer. The enquiry officer, after conducting enquiry found that the respondents 5 to 8 illegally demanded bribe amount to release the vehicle. According to the



enquiry officer, the charge was proved. Therefore, no disputed question is involved in this writ petition. Hence, he seeks for compensation for illegal detention of the vehicle for more than 71 days.

4.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 4 and 9 filed a counter affirming the above facts and also affirmed that disciplinary proceeding was initiated against the respondents 5 to 8 and the enquiry officer found that there was a demand of bribe amount on the part of the respondents 5 to 8 and hence, they were removed from service. On review, the respondents 5 to 8 were reinstated into services and punishment was modified into that of “postponement of increment for three years which shall operate to postpone his future increment” by the third respondent. Thereafter, an appeal was filed by the Government and the Government also confirmed the finding of the enquiry officer and all the disciplinary authorities and the punishment was modified as “Postponement of increment for one year which shall operate to postpone their future increment”. The petitioner's husband is a history sheeted rowdy and several cases were registered against him in Puthukadai Police Station. Hence, he seeks for dismissal of this writ petition.



5.The learned counsel appearing for the fifth respondent filed a counter along with typed set of papers stating that this writ petition is not maintainable and disputed facts are involved in this case. Further, in the departmental proceedings even though there was a finding that the fifth respondent and other respondents demanded bribe amount, they are taking steps to challenge the said punishment order. Hence, he seeks for dismissal of the writ petition.

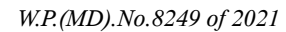
6.The learned counsel appearing for the respondents 6 to 8 also filed a counter and reiterated the above submission of the learned counsel for the fifth respondent and submitted the detailed report stating that the original order passed by the third respondent was converted into the postponement of the increment for one year. In the said circumstances, the respondents 5 to 8 are no way responsible for the illegal detention of the vehicle. They discharged their duty as per law. Hence, he seeks for dismissal of the writ petition.

7.This Court considered the submissions made on either side and the pleadings of the parties. This Court also perused the record.



WEB COPY

8.The writ petitioner specifically averred in the writ petition that on 30.04.2017, she transported the sand with proper license, permit, valid transit pass. The said vehicle was stopped at Aralvaimozhi Check post at 5.40 p.m. The team consisting respondents 5 to 8 demanded Rs. 2,000/- as a bribe to release the vehicle. The petitioner's driver refused to pay the amount. Hence, her vehicle was illegally detained in the Police Station. After 71 days, the vehicle was released by the Revenue Divisional officer, with some conditions. In the mean time, the vehicle got damaged and the petitioner is entirely depending upon the said vehicle for her livelihood. Hence, she sustained huge loss of Rs. 4,98,380/-. Therefore, she made a complaint before the official Respondents 1 to 4. Thereafter, the third respondent initiated the departmental proceedings against the respondents 5 to 8 and the enquiry officer was also appointed. The charge was that they illegally demanded bribe amount and detained the vehicle. The said charge was proved, after conducting examination of number of the witnesses during the departmental proceedings. There was a specific finding that there was a demand of illegal gratification. Hence, the third respondent accepting the enquiry officer's report, passed the punishment of removal from service. The same was challenged by way of review. In the review, the respondents 5 to 8 were reinstated into service and punishment was



The same was further modified in the mercy petition filed by them to the Government. Further, the same was modified as “Postponement of increment for one year which shall operate to postpone their future increment”.

<https://www.mhc.tn.gov.in/judis>



W.P.(MD).No.8249 of 2021



WEB COPY

10. Accordingly, this writ petition is allowed and the respondents 5 to 8 are directed to give compensation of Rs.4,98,380/- to the petitioner for illegally detaining her vehicle bearing Reg.No.TN 32 V 3299. No costs.

07.03.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
vsg



W.P.(MD).No.8249 of 2021

To

WEB COPY

1. The Secretary to Government,
Home and Police Department,
Secretariat, St.George Fort, Chennai.
2. The Inspector General of Police,
South Zone, Madurai.
3. The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.
4. The Superintendent of Police,
Kanyakumari District at Nagercoil.
5. The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



W.P.(MD).No.8249 of 2021

K.K. RAMAKRISHNAN. J.,

vsg

Pre-delivery order made in
W.P(MD)No.8249 of 2021

Dated :07.03.2024