



W.P.(MD).No.20862 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20862 of 2024

A.Noothana Pandi

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City Commissioner Office,
Madurai – 625 002.

2. P.Ramesh
(Traffic Police Grade-I)
Thallakulam Traffic Police Station,
Reserve Line, Race Course Road,
Chokkikulam,
Madurai – 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent police to take disciplinary action against the second respondent police and consequently refund the amount of Rs.5,000/- imposed by the second respondent, which is against Section 3 and 4 of Motor Vehicle Act, 1988.

For Petitioner : Mr.K.Gandhiammal

For R 1 : Mr.S..Shanmugavel



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Additional Government Pleader

ORDER

The instant writ petition has been filed by a College student seeking a Mandamus as against the first respondent Commissioner of Police to initiate disciplinary action as against the second respondent police for collecting fine from them for violation of Sections 3 and 4 of Motor Vehicle Act, 1988.

2. The prayer sought for in the writ petition is for taking disciplinary action by the first respondent as against the second respondent. As far as taking disciplinary action is concerned, it is always left to the discretion of the higher officials and this Court cannot issue a Mandamus as against the first respondent.

3. The petitioner herein had travelled in a two wheeler. They have been stopped by the concerned Traffic Police officials and they have imposed fine for not having the driving license at the relevant point of time. This fine of Rs.5,000/- has been imposed as per G.O.(Ms) No. 758, Home Department, dated 19.10.2022 and it is also an admitted fact that proper receipt has been issued by the concerned police officials. In such circumstances, the second



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part of the prayer for refund of the fine amount would not arise and there are no merits in this writ petition.

4. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

04.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Commissioner of Police,
Madurai City Commissioner Office,
Madurai – 625 002.



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R.VIJAYAKUMAR,J.

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