



W.P.(MD)No.3639 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.3639 of 2017

and

W.M.P.(MD)No.2928 of 2017

R.Manikandan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by the Home Secretary,
Secretariat, St.George Fort,
Chennai.
- 2.The Director General of Police,
O/o.Director General of Police,
Chennai.
- 3.The District Collector,
O/o.District Collector,
Nagercoil,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.
- 5.The Tahsildar,
O/o. the Tahsildar,
Nagercoil,
Kanyakumari District.



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6. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to provide compensation to the petitioner for a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) and recover the same from the salary of the 6th respondent.

For Petitioner : Mr.S.Rajasekar

For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-3, R-4 : Mr.J.K.Jayaselan
and R-5 Government Advocate

For R-2 and R-6 : Mr.B.Thanga Aravindh
Government Advocate

ORDER

This Writ Petition is filed praying for a Mandamus, directing the respondents 1 and 2 to provide compensation to the petitioner for a sum of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) and recover the same from the salary of the 6th respondent.



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2. The facts of the case are that the petitioner was the owner of Mahindra and Mahindra Light goods vehicle bearing Registration No.TN-33 AS-5211.

The sixth respondent seized the petitioner's vehicle without any valid reasons, while it was enroute to deliver M-Sand. It is submitted that in view of the alleged illegal seizure, the petitioner had suffered loss and has thus claimed damages vide his representation dated 24.01.2017. Thereafter, the fourth respondent passed an order dated 31.01.2017 stating that the said vehicle was loaded only with M-sand and original bills were also submitted and that the vehicle was released without any costs. However, no compensation has been granted to the petitioner by the authorities. Hence, the present petition is filed.

3. Under Article 226 of the Constitution of India, the requirement to issue a writ of mandamus is that there should be a 'demand' by the person having a enforceable right and its 'refusal' by the authority and under those circumstances if it is found that there is a violation of that enforceable right, a writ of mandamus can be issued by High Court under Article 226 of the Constitution. ¹ Since I find no representation with reference to the prayer in the present Writ Petition, the Writ Petition is liable to be dismissed. However, the petitioner may file a fresh representation before the concerned authorities, if so advised.

¹ Ayanapurabu Venkata Ramana Rao v. High Court of Andhra Pradesh, Hyderabad and another, 2010 (5) ALT 520 (DB)



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4. In view of the same, this Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

12.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Home Secretary,
The Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai.
- 2.The Director General of Police,
O/o.Director General of Police,
Chennai.
- 3.The District Collector,
O/o.District Collector,
Nagercoil,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
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Kanyakumari District.



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5.The Tahsildar,
O/o. the Tahsildar,
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6.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
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MOHAMMED SHAFFIQ, J.

Nsr

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