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WA NO. 220



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR JUSTICE C. SARAVANAN

WA NO. 2205 of 2022

A.Sampath Raj

Vs

..Appellant

1. The Commissioner of Police
Vepery, Chennai-600 007.

2. The Director General of Police,
Dr.Radhakrishnan Road,
Chennai-600004.

3.Ashok Kumar
Sub Inspector of Police (Crime)
J-7, Velacherry Police Station,
Velacherry, Chennai-600042.

...Respondents

Prayer : Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order of this Court dated 15.07.2022 passed in W.P.No. 17370 of 2022.

For Appellant: Mr.M.Vijaya Kumar

For Respondents: Mr.G.Nanmaran, Spl.G.P.-R1 & R2

JUDGMENT

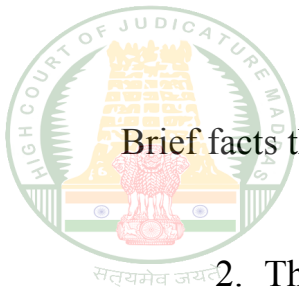
(Order of the Court was made by the Hon'ble S.S.Sundar J.)

This appeal is directed against the order of the learned Single Judge, dismissing the writ petition filed by the appellant for issuance of writ of mandamus

directing the respondents 1&2 to take departmental action against the 3rd

respondent by considering the petitioner's representation dated 27.06.2022.

<https://www.hcj.org.in/copydis>



Brief facts that are necessary for disposal of this writ appeal are as follows;

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2. The appellant has preferred a complaint before the Commissioner of Police, Tambaram Commissionerate against the Proprietor of M/s.SML Chennai Car Private Limited alleging that the said company has seized his Car and stolen other valuable articles. Thereafter, the appellant has also given representation dated 27.06.2022 to the respondents 1 & 2 to initiate disciplinary proceedings against the 3rd respondent for colluding with a private party for stealing his valuable articles. Alleging no action has been taken on the representation, the above writ petition was filed by the appellant. Learned Single Judge, dismissed the writ petition after recording that the Inspector of Police has filed a final report stating that the allegations made by the appellant against the 3rd respondent are false and that he has received the mobile phone which was the only article that was in the custody of the 3rd respondent. In view of the factual issue, the learned Single Judge dismissed the writ petition on the ground that the appellant has an effective alternative remedy before the criminal Court to pursue his remedy in respect of the complaint preferred against the 3rd respondent. Challenging the said order of the learned Single Judge, the present writ appeal is filed.

3. Learned counsel for the appellant submitted that the appellant was in legal possession of the Car bearing Reg.No.TN19 AD 8022 under a lease agreement executed by him infavour of Proprietor M/s.SML Car Private Limited, Velacherry.

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

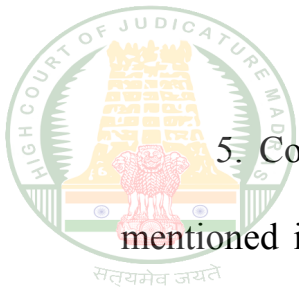
It is further submitted by the learned counsel for the appellant that the the car was



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seized by the owner of the car along with several articles inside it. A civil suit has also been filed before the City Civil Court, Chennai, against the owner of the car, restraining him from seizing the car, and it is alleged that despite the civil suit being pending, the car was illegally seized. The appellant preferred representations stating that the owner of the car, along with his men, unlocked the car and illegally took it away, which was parked in the allotted slot in the basement of his apartment. It is also stated in the representation that the value of the mobile phone, laptop, original property documents, and a handbag containing cash of Rs. 1,25,700/- were also taken away by the car owner.

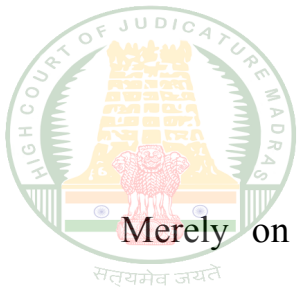
4. The learned counsel for the appellant submitted that when the appellant called his mobile number, the 3rd respondent/Sub Inspector of Police, Velacherry Crime Branch, attended the phone and directed the appellant to be present before him on 24.06.2022, but the 3rd respondent has returned only the mobile phone and instructed the appellant to approach the proprietor of M/s.SML Car private Limited in respect of other items, and obtained an acknowledgement from the appellant. Therefore it is contended by the learned counsel for the appellant that the 3rd respondent was hand in glove with the Proprietor of M/s.SML Car private Limited who take away the car and other valuable belongings.



5. Counter affidavit has been filed by the 3rd respondent. It is specifically mentioned in the counter affidavit that the appellant has requested to handover his mobile phone aone. It is also stated that the appellant lodged a complaint against M/s. SML Cars Private Limited and had undertaken to work out his remedy before the competent court of law.

6. It is seen from the records that though it is admitted that the appellant collected his mobile phone, he later came up with the complaint that all his valuables are in the custody of the 3rd respondent. Therefore, suspecting foul play, the appellant submitted a representation against the 3rd respondent, alleging that the 3rd respondent was hand in glove with the owner of the car to take away the car and other valuable belongings. The said allegation that the 3rd respondent has colluded with the car owner to collect all the belongings was specifically denied in the counter affidavit filed by the 3rd respondent. Since the grievance of the appellant is based on mere statement, which is not supported by any other document, the writ Court decided the factual issue against the writ petition and dismissed the same. This Court finds no error or infirmity in the order passed by the learned Single Judge.

7. Since, it is admitted by the appellant that he has already filed a civil suit against the proprietor of M/s. SML Cars Private Limited and if the appellant still wants to pursue his remedy to recover other movable items, which, according to him, were seized by the car owner, he may pursue it before the competent forum.



Merely on the basis of his self-serving statement without any corroborating material, this Court is not inclined to issue directions to take departmental action against the 3rd respondent and hence the writ appeal is liable to be dismissed.

7. In the result, the writ appeal is dismissed. No costs.

(S.S.SUNDAR J.) (C.SARAVANAN J.)
06-03-2025

Index : Yes
Internet : Yes
Neutral Citation : Yes
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To

1. The Commissioner of Police
Vepery,
Chennai-600 007.

2. The Director General of Police
Dr.Radhakrishnan Road,
Chennai-600 004.

3. Ashok Kumar
Sub Inspector Police (Crime),
J-7, Velacherry Police Station,
Velacherry, Chennai-600 042.



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S. S. SUNI



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