



W.P.(MD) No.3497 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.3497 of 2025

Sarath

... Petitioner

Vs

1. The Superintendent of Police,
Kanniyakumari District at Nagercoil.

2. The Inspector of Police,
Vadasery Police Station,
Kanniyakumari District.

3. The Branch Manager,
Hdb Financial Service Limited,
No.14, Ivans Complex Ground Floor,
Wcc Road, Near to Palace Road,
Nagercoil,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the 2nd respondent to take action against the 3rd respondent based on the petitioners representation dated on 27.01.2025.

For Petitioner : Mr.A.Balakrishnan

For Respondents :

For R1 & R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)



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ORDER

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This writ petition has been filed to direct the 2nd respondent to take action against the 3rd respondent based on the representation dated 27.01.2025.

2. According to the petitioner, during March 2024, he purchased a lorry bearing registration no. TN 52 U 9652 for a sum of Rs.19, 00,000/-. At the time of purchase, he availed financial assistance of Rs.15,92,273/- from the 3rd respondent by executing relevant documents. From the month of April 2024 onwards, the petitioner was in regular in payment of monthly dues of Rs.45,542/-. Due to some financial crises from the month of January 2025, he was unable to pay the monthly installments and he requested the 3rd respondent some time for payment. In the meantime, on 21.01.2025, the petitioner's vehicle was hired with the company from Andhra Pradesh. When the vehicle was proceedings near Dubsherla, Andhra Pradesh, the 3rd respondent along with the others had prevented the petitioner from moving further and threatened to hand over the vehicle. Thereafter, they assaulted the petitioner and forcibly took the possession of the vehicle. Therefore, he lodged a complaint dated 27.01.2025, but no action was taken. Hence, he filed this petition.



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3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents no.1 and 2 would submit that they received the complaint of the petitioner and now the same is under enquiry. They will complete the enquiry within a week.

4. Heard both sides and perused the materials on records.

5. Considering the limited scope of the prayer of the petitioner and facts and circumstances of the case, and the representation of the petitioner is also under consideration by the second respondent, it is appropriate to direct the second respondent to complete the enquiry within a week on merits in the manner known to law. Accordingly ordered.

6. With the above said observations and directions, this writ petition is disposed of. No costs.

07.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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P.DHANABAL, J.

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To

1. The Superintendent of Police,
Kanniyakumari District at Nagercoil.
2. The Inspector of Police,
Vadasery Police Station,
Kanniyakumari District.
3. The Branch Manager,
Hdb Financial Service Limited,
No.14, Ivans Complex Ground Floor,
Wcc Road, Near to Palace Road,
Nagercoil,
Kanniyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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