

In the High Court of Judicature at Madras

Dated: 08.06.2015

Coram:

The Honourable Mr.Justice T.RAJA

Writ Petition No.15524 of 2015

S.Kandasamy

... Petitioner

Versus

1. The Revenue Divisional Officer
Krishnagiri.

2. The Inspector of Police
Taluk Police Station
Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to release the vehicle., viz., Tarss Lorry of petitioner in bearing No.TN-47-AB-9888.

For Petitioner ... Mr.S.Doraisamy

For Respondents... Mr.A.Kumar

Special Government Pleader

JUDGMENT

This Writ Petition has been filed by Mr.S.Kandasamy seeking mandamus to be issued directing the respondents herein to release the vehicle bearing No.TN-47-AB-9888.

2. The learned counsel appearing for the petitioner would submit that Mr.S.Kandasamy, being the owner of the public transport lorry bearing No.TN-47-AB-9888, has been using it for buying sand from the licence holder Mr.K.Govindaraj at Kulithalai and thereafter, selling the same to Mr.Sasi of Bagalur in Krishnagiri District and Mr.Rengaraj, driver of the petitioner, who was taking the vehicle after loading sand and when proceeded to Baghalur, while crossing Krishnagiri, the second respondent intercepted the lorry and took it to Krishnagiri police station at 19 hours on 26.05.2015. After keeping the lorry for two days, the second respondent registered a case in Crime No.308 of 2015 on 28.05.2015 under Sections 4(1)(d) read with 102 of Cr.P.C. and thereafter, he has handed over the lorry to the first respondent. Now, the lorry is in the custody of the first respondent. Immediately thereafter, the petitioner has made out a representation along with permit slip No.19499 issued by

the said Mr.K.Govindaraj, who is the licence holder, from whom the sand was purchased by the petitioner. Even after the receipt of the representation along with permit slip carrying No.19499, the respondents have not come forward to release the lorry, which has compelled the petitioner to approach this Court for the above said relief.

3. Adding further, the learned counsel for the petitioner would submit that the vehicle of the petitioner has not involved in any violations. The only ground on which the lorry was seized shows that the petitioner was carrying the sand without any permit, that is far from acceptance since the petitioner is carrying the sand along with the permit slip issued by Mr.K.Govindaraj, who is the licence holder of the sand.

4. Mr.A.Kumar, learned Special Government Pleader, takes notice for the respondents.

5. This Court has also considered the permit slip, RC Book of the vehicle, viz., Multi Axle Goods Vehicle with Engine No.CWEZ409372, First Information Report issued by the second respondent, Inspector of Police, on 28.05.2015 and subsequently handed over to the first respondent.

6. A mere perusal of the First Information Report also shows that the petitioner's vehicle has been seized for the reason that the lorry carrying the sand was found without permit slip. The allegation mentioned in the First Information Report does not tally with the decision taken for seizure of the vehicle. When the permit slip issued by Mr.K.Govindaraj from Kulithalai for selling the sand supports the case of the petitioner, the first respondent cannot retain the vehicle. Therefore, he is directed to release the same on production of the copy of the order.

7. The Writ Petition is allowed in the above terms. No costs.

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Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Revenue Divisional Officer
Krishnagiri.

2. The Inspector of Police
Taluk Police Station
Krishnagiri.

1 cc to Mr.S.Doraisamy, Advocate SR 27328
gr(co)
prk11/6

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