

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22459 of 2015

M.Srinivasulu

... Petitioner

-vs-

1. The District Collector
Office of the Collectorate
Krishnagiri
Krishnagiri District
2. The Sub Collector
Office of the Sub Collector
Hosur
Krishnagiri District
3. The Tahsildar
Hosur Taluk
Krishnagiri District
4. The Village Administrative Officer
Allur Panchayat
Hosur Taluk
Krishnagiri District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing Registration No.TN70-M-6003 with the sand load based on his representation dated 10.07.2015.

For Petitioner : Mr.P.Satheesh Kumar
For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader

ORDER

This writ petition has been filed by Mr.M.Srinivasulu seeking a mandamus directing the respondents herein to release the vehicle, namely, Ashok Leyland Tipper Lorry bearing Registration No.TN-70-M-

6003 with the sand load forthwith based on his representation dated 10.07.2015.

2. Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice on behalf of the respondents.

3. It is the claim of the petitioner that the petitioner, being the owner of Ashok Leyland Tipper Lorry bearing Registration No.TN-70-M-6003, used to supply the materials by getting the same in a proper and legal manner. After getting the order placed by a person at Bagalur to supply two units of sand on 5.7.2015, the petitioner sent his driver Mr.Seenappa to buy and supply the sand. His driver also took the sand from one Mr.M.Mariyappan, who has obtained licence to take the sand for a period of one year commencing from 14.7.2014 to 13.7.2015, and loaded the same in his vehicle at about 3.45 p.m., on 5.7.2015 and driven the same. However, at about 2.30 a.m., on 6.7.2015, the Village Administrative Officer, Allur Panchayat had stopped his vehicle near Naripuram village and verified the records for transporting the sand. Although the petitioner's driver produced the proper records, namely, sale slip dated 5.7.2015 indicating that the petitioner had purchased the sand only from Mr.M.Mariyappan, who has got licence to take the sand for a period of one year commencing from 14.7.2014 to 13.7.2015, the Village Administrative Officer has demanded a huge amount, therefore, he has come to this Court. Learned counsel for the petitioner, producing the sale slip, justified that the vehicle has carried the sand only after purchasing the same from the licensee Mr.M.Mariyappan in whose favour the licence has been granted for taking sand for a period of one year commencing from 14.7.2014 to 13.7.2015.

4. A perusal of the sale slip does not create any suspicion in the mind of the Court, therefore, the second respondent is hereby directed to release the vehicle, namely, Ashok Leyland Tipper Lorry bearing Registration No.TN-70-M-6003 to the petitioner immediately on production of a copy of this order. The writ petition is disposed of accordingly. Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ss

To

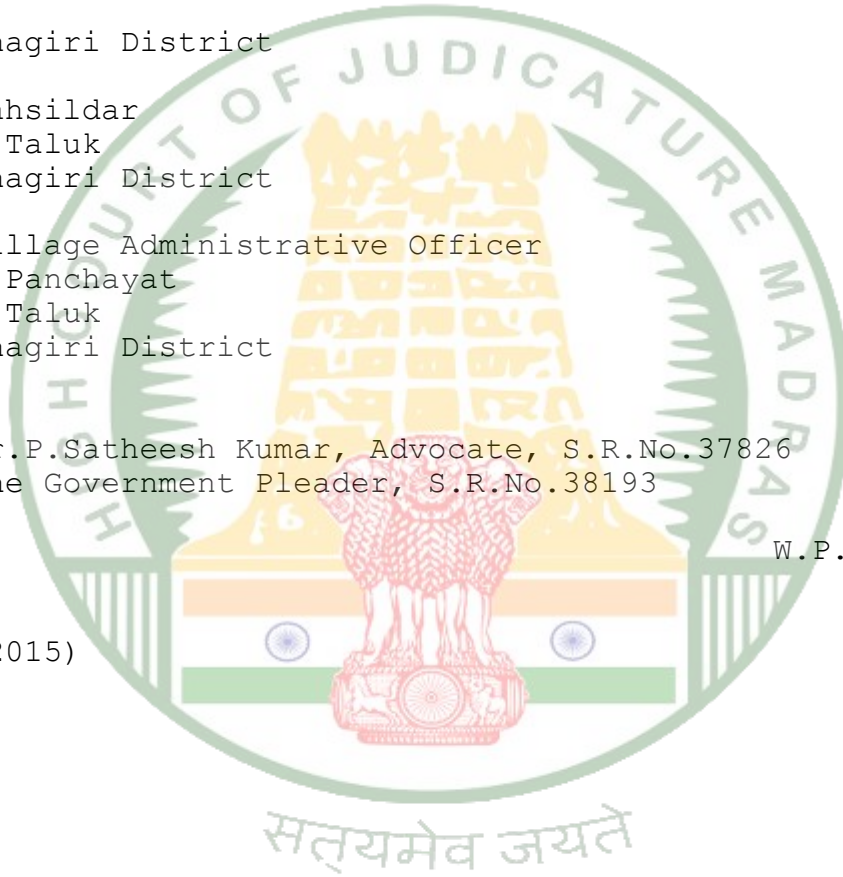
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+1cc to Mr.P.Satheesh Kumar, Advocate, S.R.No.37826

+1cc to the Government Pleader, S.R.No.38193

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PPA(CO)
CA(06/08/2015)



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