



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.08.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.13957 of 2015

WEB COPY

A.Muneeswaran

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District.

2.The Special Tahsildar,
Geology, Mines & Minerals,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector of Police,
Thiruppalaikkudi Police Station,
Thiruppalaikkudi, Thiruvadanai Taluk,
Ramanathapuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the petitioner's vehicles namely Tractor and its Trailer bearing Registration Nos. TN-65-F-1829 and TN-65-F-1842 immediately .

For Petitioner : Mr.V.K.Saravanan

For Respondents : Mr.Aaiyuram K.Selvakumar
Govt.Advocate, takes Notice

ORDER

This writ petition has been filed by A.Muneeswaran seeking Mandamus directing the respondents to release the petitioner's vehicle namely Tractor and its Trailor bearing Registration Nos.TN-65-F-1829 and TN-65-F-1842 immediately.

2. Mr.Aaiyuram K.Selvakumar, learned Government Advocate takes notice for the respondents.

3. By consent, this writ petition is disposed of at the stage of admission.

4. The learned counsel appearing for the petitioner in support of his prayer submitted that being the owner of the tractor and trailer bearing Registration Nos.TN-65-F-1829 and TN-65-F-1842 respectively, purchased sand from the owner of a lorry on 26.07.2015 and loaded the same in his tractor for his building work. When the vehicle of the petitioner was moving from Avudayarkoil with valid permit from the licensee of sand quarrying, the third respondent police intercepted the petitioner's tractor and trailer and seized the same on 26.07.2015 at about 08.00 pm, on the allegation of illegal sand theft without valid permit. Now the vehicle is under the custody of the third



respondent. The petitioner has approached the respondents for release of the vehicle on several occasions but they refused to release the vehicle. Therefore, he has come before this Court.

5. At this point of time, the learned Government Advocate, by placing reliance upon a copy of FIR, submitted that when the third respondent has registered a case under Section 24 (1) of Mines and Minerals Development Regulation Act, 1957 on 26.07.2015, finding that the petitioner's vehicle was not accompanied with requisite document for carrying sand, the petitioner cannot say that his vehicle was carrying the sand along with sale slip.

6. The learned counsel appearing for the petitioner has also brought to notice of this Court, a sale slip issued by the licensee at the stockyard, which bears the vehicle number as TN-28-AT-9464. The FIR has been registered only in respect of the vehicle bearing Registration No. TN-65F-1829. Therefore, this Court is not able to find any merits in the Writ petition and therefore, this petition deserves dismissal.

7. Accordingly, this writ petition is dismissed. No costs. It is open to the respondents to proceed in accordance with law with regard to vehicle and the respondents shall proceed with the enquiry adjudication and pass orders expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

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To

- 1.The Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District.
- 2.The Special Tahsildar, Geology, Mines & Minerals,
Ramanathapuram, Ramanathapuram District.
- 3.The Inspector of Police, Thiruppalaikkudi Police Station,
Thiruppalaikkudi, Thiruvadanai Taluk, Ramanathapuram District.

+one cc to Mr.V.K.Saravanan, Advocate in SR.NO.44197

+one cc to The Special Government Pleader, SR.No. 44598

WP (MD) No.13957 of 2015
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CSL/AAL-MPA//05.10.2015

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