



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2015

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THE HONOURABLE MR.JUSTICE **T.RAJA**

W.P. (MD) No.14097 of 2015

Nova Doss

... Petitioner

Vs.

1.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2.The Special Deputy Tahsildar (Mines),
Tirunelveli.

3.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to release the petitioner's Tipper vehicle bearing Registration No. TN 74 S 7863 seized on 16.06.2015 by the second respondent, to the petitioner and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner ... Mr.D.Venkatesh

For Respondents ... Mr.S.Satheeshkumar

Addl. Government Pleader

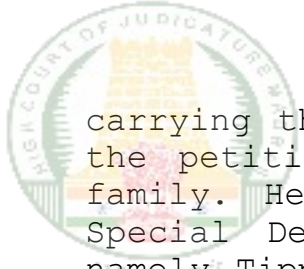
O R D E R

This Writ Petition has been filed by Nova Doss for issuance of Writ of Mandamus directing the respondents to release the petitioner's Tipper Lorry bearing Registration No. TN 74 S7863 seized on 16.06.2015 by the second respondent.

2.By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.The learned counsel for the petitioner would submit that the petitioner claims to be the owner of Tipper Lorry bearing Registration No. TN 74 S7863, which has been used for agricultural operations and some times the petitioner had used the vehicle for



carrying the waste building materials to eke out his livelihood as the petitioner has no other source to maintain himself and his family. He would further submit that the second respondent, the Special Deputy Tahsildar(Mines), Tirunelveli, seized his vehicle namely Tipper Lorry bearing Registration No. TN 74 S7863 alleging that the lorry was loaded with 2 units of 'saral' without any valid permit and subsequently, the respondent has refused to release the vehicle.

5. The learned counsel for the petitioner filed an additional typed set of papers in which he has produced the Registration Certificate of the Tipper Lorry bearing Registration No. TN 74 S7863 and the Trip Sheet dated 16.06.2015.

6. A perusal of Trip Sheet issued in favour of the petitioner for the Tipper Lorry bearing Registration No. TN 74 S7863 clearly shows that the petitioner was permitted to carry two units of 'saral' in his vehicle. Further, the Trip sheet clearly shows that the vehicle of the petitioner is not involved in any offence. But the respondent had refused to consider the request to release the vehicle and hence, the petitioner has come to this Court by filing this Writ Petition.

7. Mr.Satheesh kumar, learned Additional Government Pleader submitted that the matter is pending before the first respondent.

8. On seeing the Trip Sheet dated 16.06.2015, which has been issued for carrying two units of saral, the petitioner is entitled to get release of the vehicle. Therefore, the second respondent is directed to release the petitioner's vehicle on production of the order copy forthwith.

9. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

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To,

1.The Sub Collector,Cheranmahadevi,Tirunelveli District.

2.The Special Deputy Tahsildar(Mines),Tirunelveli.

3.The Inspector of Police,Palavoor Police Station,
Tirunelveli District.

+one cc to Mr.D.Venkatesh,Advocate in SR.NO.45458

+one cc to The Special Government Pleader, SR.No. 45598

W.P.(MD)No.14097 of 2015

10.08.2015

CSL 20/08/2015