



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.17309 of 2015

P.Thangadurai

... Petitioner

Vs.

1.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to release the petitioner's vehicle bearing registration No.TH-72/AJ 1249 (TATA 407 Tipper) within a time stipulated by this Court.

For Petitioner : Mr.A.K.Manickam

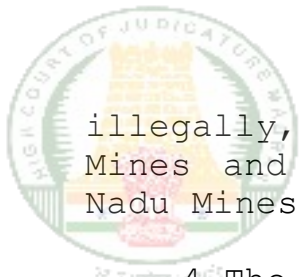
For Respondents : Mr.J.Gunaseelan Muthiah, G.A.

ORDER

This Writ petition has been filed by the petitioner viz., P.Thangadurai, to issue a Writ of Mandamus, directing the 1st respondent to release the petitioner's vehicle bearing registration No.TH-72/AJ 1249 (TATA 407 Tipper) within a time stipulated by this Court.

2.Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents. By consent, the Writ petition is taken up for final hearing.

3.The case of the petitioner is that the petitioner's vehicle has been seized by the 2nd respondent on 14.03.2015 from his house, as if the said vehicle is involved for transporting sand without permit and on that basis, an Athatchi was prepared by the Deputy Tahsildar, Ambasamudiram Taluk. Consequently, the vehicle was also detained at Kallidaikurichi Police Station, Tirunelveli District. Thereafter, the 2nd respondent also passed a proceedings dated 14.03.2015 and forwarded a report to the 1st respondent on the ground that the vehicle has been used for transporting sand



illegally, which is against the Section 36A(1) of the Tamil Nadu Mines and Mineral Concession Rules and Section 21 of the Tamil Nadu Mines and Mineral (Development and Regulation) Act, 1957.

4. The learned counsel for the petitioner submitted that if the vehicle is allowed to remain in open space, certainly it would diminish the value of the same and also damage the entire parts and that would cause huge hardship to the petitioner.

5. This Court is not able to find any merit for the reason that the petitioner's vehicle is seized for carrying sand without permit and hence, it is for him to go and satisfy the respondents / Sub Collector and the Tahsildar on production of the relevant documents. If the petitioner fails to satisfy the authorities for any reason, this Court may not be in a position to step into the shoes of the respondents. As the petitioner is not able to show any document like transport permit or transport slip before this Court to justify that he was carrying sand in his vehicle with permit, the prayer sought for by the petitioner cannot be granted.

6. Accordingly, the Writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 56824

NBJ

TE/JGB/ : 29/10/2015 : 2P/4C

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25.09.2015