



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2016

C O R A M

WEB COPY

THE HONOURABLE Dr. JUSTICE S.VIMALA

Writ Petition (MD) No.17491 of 2016

Muthusamy

.. Petitioner

Vs.

- 1.The District Collector, Virudhunagar.
- 2.The Revenue Divisional Officer, Aruppukkottai.
- 3.The Tahsildar, Aruppukkottai

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus forbearing the 3rd respondent from insisting the petitioner to produce his tractors bearing Regn.No.TN-67-BZ-8400 and TN-67-BZ-8006 without any valid grounds.

For petitioner

... Mr.P.Ganapathi Subramanian

For Respondents

... Mr.V.Muruganandham
AGP.,

O R D E R

This writ of Mandamus has been filed to direct the third respondent, not to insist upon the petitioner to produce his tractors bearing Registration Nos.TN-67-BZ-8400 and TN-67-BZ-8006, without any valid reason.

Brief facts:-

2. The petitioner's tractors are used for the purpose of agriculture and also letting out to the same for hire to the customers. On 10.08.2016, for the purpose of formation of a tank, at Kovilangulam Village, the owner of the property hired three to four tractors and carried sand in those tractors, after obtaining certificate from the Village Administrative Officer.

2.1. For reasons best known, the third respondent frequently called upon the petitioner to produce the tractors belonging to the petitioner and the insistence continues even after the petitioner explaining that the tractors were not used for any illegal purpose and therefore, it is not necessary for him to produce the same. Putting the same into writing, representations have been submitted to the respondents 1 and 2 by



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

4. It is represented by the learned Additional Government Pleader that the Tahsildar has sent a report to the Revenue Divisional Officer, alleging illegal transportation of sand by using the tractors, alleged to have been involved in this writ petition.

5. The contention of the learned counsel for the petitioner is that, when the third respondent wants to exercise the statutory authority, the petitioner is entitled to notice stating the reasons for which the tractors are directed to be produced.

6. Under such circumstances, if any enquiry is contemplated or any violation is reported in respect of use of those two tractors, the Revenue Divisional Officer shall put the petitioner on notice, in writing, regarding the purpose for which the tractors are ordered to be produced before him and to decide the issue, after giving an opportunity of hearing, on merits and in accordance with law.

7. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Virudhunagar.

2. The Revenue Divisional Officer, Aruppukkottai.

3. The Tahsildar, Aruppukkottai.

+1cc to Special Government Pleader, in SR. No. 53171

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