



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.10349 of 2017 and
W.M.P. (MD) No.7932 of 2017

A.Arunprasath

... Petitioner

-vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.2.The Inspector of Police,
Gangaikondan Police Station,
Gangaikondan, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his order dated 30.05.2017 and quash the same as illegal and consequently directing the respondent No.2 to release the Petitioners Tipper Tarus Lorry bearing Reg.No. TN 69 BY 0699 within the time stipulated by this Honble Court since the Respondent No.2 has taken the custody of the vehicle and retaining the vehicle without any valid reason.

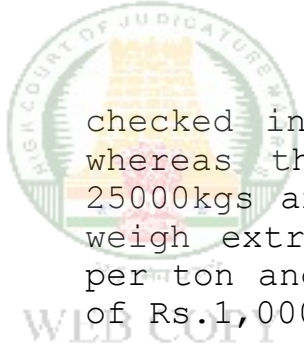
For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

ORDER

This petition has been filed, seeking to quash the impugned order passed by the 2nd respondent vide his order dated 30.05.2017 as illegal and to direct the respondent No.2 to release the petitioners Tipper Tarus Lorry bearing Reg.No.TN 69 BY 0699.

2. It is seen that the petitioner's lorry bearing Reg.No.TN 69 BY 0699 was found to carry over weight and therefore, the 2nd respondent intercepted the vehicle and has initiated proceedings under Section 194 of M.V.Act. When the weight of the lorry was



checked in a weighbridge, it was found to weigh 48540 kgs, but whereas the capacity of the lorry was only to the extent of 25000kgs and therefore, the lorry was found to carry 23540 kgs to weigh extra. The 2nd respondent has levied a fine of Rs.2,000/- per ton and for additional tons, fine has been imposed at the rate of Rs.1,000/- per ton, totally amounting to Rs.25,540/-.

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

4. It is seen that the driver of the lorry left the vehicle with the Police saying that he will inform his owner and bring him. Thereafter, the driver did not turn up and therefore, the 2nd respondent Police has sent a letter dated 30.05.2017 to the petitioner, who is the owner of the vehicle, communicating to him about the aforesaid facts, challenging which, this writ petition has been filed.

5. In the considered opinion of this Court, Writ of Certiorari cannot be issued against a letter that has been sent by the 2nd respondent to the petitioner narrating the facts stated supra. It is always open to the petitioner to pay necessary fine and take back the lorry and thereafter, he can work out his remedy in the manner known to law.

6. With the above observation, this petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Gangaikondan Police Station,
Gangaikondan, Tirunelveli District.

+1 cc to Special Government Pleader in SR.No. 58528
+1 cc to Mr.V.Malaiyendran , Advocate in SR.No. 58461

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AE/SV MMS/06.06.2017/2P/5C

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