

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.05.2018

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WP.No.11698/2018

S.Chandrakumar

.. Petitioner

Versus

1.The Revenue Divisional Officer
Cheyyar, Thiruvannamalai District.

2.The Inspector of Police
Dusi Police Station
Thiruvannamalai District. .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to release the Tipper Lorry bearing Registration No.TN-20-C-9878 which was seized by the 2nd respondent on 17.04.2018 and thereby consider the representation dated 25.04.2018.

For Petitioner : Mr.G.Punniyakoti

For Respondents: Mr.N.Manikandan, GA

ORDER

The petitioner, owner of the Tipper Lorry bearing No.TN-20-C-9878, seeks mandamus to direct the respondents to release the vehicle, which was vehicle seized by the 2nd respondent for illicit transport of river sand.

2 It is contended by the petitioner that the vehicle was seized on 17.04.2018 and he had made a representation on 25.04.2018 for release of the vehicle. However, Mr.N.Manikandan, learned Government Advocate appearing for the respondents submits that there is no proof for despatching of the said representation dated 25.04.2018 nor receipt of the same by the 1st respondent. Hence, there cannot be a mandamus without a demand and refusal, either implicit or explicit.

3 This Court is in total agreement with the submission made by the learned Government Advocate. No mandamus can be issued without a demand or refusal. It should be explicit or at least, implicit. However, in the case on hand, this Court finds that the vehicle was seized on 17.04.2018 and no order so far, has been passed regarding the seized vehicle. Therefore, liberty is given to the petitioner to make a

representation to the authorities concerned and on such representation, the authorities shall pass appropriate orders in accordance with law.

4 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar/
Vacation Officer

//True Copy//

Sub Assistant Registrar

AP
To

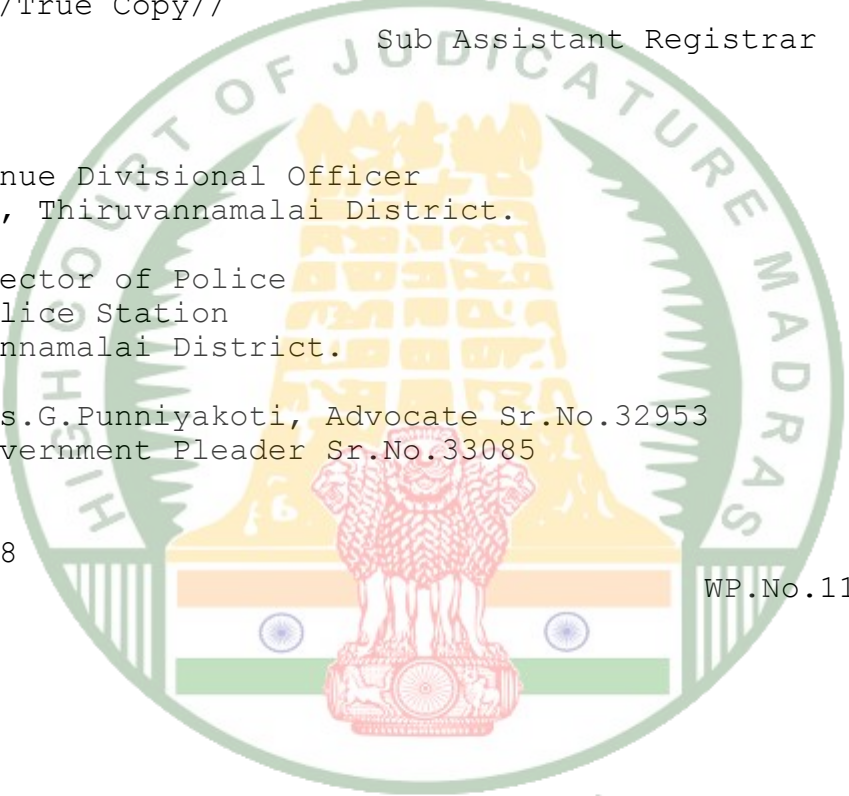
1.The Revenue Divisional Officer
Cheyyar, Thiruvannamalai District.

2.The Inspector of Police
Dusi Police Station
Thiruvannamalai District.

+1cc to M/s.G.Punniyakoti, Advocate Sr.No.32953
+1cc to Government Pleader Sr.No.33085

RSI (CO)
sm:7.5.2018

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सत्यमेव जयते

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