



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018
CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P(MD)No.12391 of 2018

B.Murugavalli

... Petitioner

vs.

1.The Revenue Divisional Officer,
Paramakudi Sub-Division,
Ramanathapuram District.

2.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the second respondent to release the petitioner's tractor bearing Registration No.TN-65-W-7543 forthwith in the light of the petitioner's representation dated 25.05.2018.

For Petitioner	: Mr.R.Venkateswaran
For Respondents	: Mr.V.Anand
	Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the second respondent to release the petitioner's tractor bearing Reg.No.TN-65-W-7543, forthwith, in the light of the petitioner's representation dated 25.05.2018.

2.The learned Counsel for the petitioner states that the respondent took away the petitioner's vehicle, namely, tractor, from the workshop stationed there for repair. It is further sated that the tractor of the petitioner was confiscated only on mere suspicion that the petitioner's vehicle might have been involved in illegal transportation of sand. It is further stated that the Village Administrative Officer has reported that the vehicle belonging to a person, who is residing in Pappakulam and Tharakudi Village, was the one involved in illegal transportation of sand.

3.It is further stated that the second respondent has seized another tractor belonging to a person, who is residing in the village, whose vehicle stated to have been involved in the Village Administrative Officer's complaint. He further submitted that



despite a representation by the petitioner dated 25.05.2017 to the respondents, it is stated that the respondents neither taken any action on his complaint nor made further enquiry. Since the vehicle is kept in an open place exposing to sun and rain, it is further stated that petitioner will be put irreparable loss in case the position continues.

4.The learned Counsel for the petitioner further submitted that the petitioner undertakes not to alienate or change the condition of the vehicle and will fully cooperate with the respondents while conducting enquiry by the respondents. The learned Government Advocate fairly conceded that this is not a case where the petitioner's vehicle was caught red hand, while causing illegally quarried or transported mineral. In such circumstances, this Court without going into the merits of the contention of the petitioner, issue the following order:

"The second respondent is directed to release the vehicle bearing registration No.TN-65-W-7543 forthwith. It is open to the respondents to conduct any enquiry as to the involvement of the petitioner's vehicle in illegal transportation of sand or stone as the case may be. The petitioner shall not alienate or change the condition of the vehicle and shall produce the vehicle, when it is required pursuant to any adjudication or order as may be passed by the respondents."

5.As a result, this Writ Petition is allowed. No Costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Paramakudi Sub-Division,
Ramanathapuram District.

2.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

+1CC to Mr.R.Venkateswaran, Advocate in SR.No.69182.

CMR

DS/SKN-RSK/SAR-3 :28.06.2018: 2P/4C