



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2018

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.23130 of 2018

Manikandan, S/o.Periyasamy

... Petitioner

**Vs.**

1. The District Collector,  
Trichy.
2. The Revenue Divisional Officer,  
Trichy.
3. The Thasildar,  
Trichy.
4. The Inspector of Police,  
Navalpattu Police Station,  
Trichy District.

... Respondents

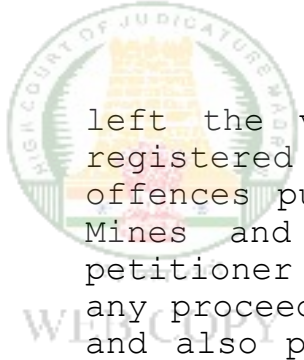
**Prayer:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's Mahindra Scorpio, bearing Registration No.TN-55-W-8686 and entrust the same to the petitioner.

|                 |                                        |
|-----------------|----------------------------------------|
| For Petitioner  | : Mr.K.Praveenkumar                    |
| For Respondents | : Mr.S.Dhayalan<br>Government Advocate |

**ORDER**

This writ petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to release the petitioner's Mahindra Scorpio, bearing Registration No.TN-55-W-8686 and entrust the same to the petitioner.

2.The case of the petitioner from the affidavit, it is stated that on 15.10.2018, the petitioner took the vehicle for carrying the goods for rent. When he wished to level the backyard of his house and transported sand in the vehicle, the fourth respondent intercepted the vehicle and asked the driver to park the vehicle at the fourth respondent's Police Station. When the driver objected for the same, the fourth respondent without giving proper reply,



left the vehicle at the police station. The fourth respondent registered a case in Crime No.156 of 2018 dated 15.10.2018 for the offences punishable under Section 379 IPC and Section 21(4) of the Mines and Mineral (Development & Regulation) Act, 1957. The petitioner further contended that the respondents did not initiate any proceedings for commission of any offence as against the driver and also pass any order of confiscation of detaining the vehicle. The driver also informed the petitioner that he never used the vehicle for transporting sand for any commercial purpose. Since the petitioner availed financial assistance from an N.B.F.C. to purchase the vehicle and it is the only source of his income, the vehicle cannot be detained by the fourth respondent and if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Hence, the petitioner sent a representation to the second respondent on 15.11.2018 requesting him to release the vehicle.

3.Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner did not even know the kind of vehicle whether it is Mahindra Bolero or Mahindra Scorpio. In the affidavit, it is mentioned as Mahindra Scorpio. Further, the learned counsel for the petitioner submitted that the fourth respondent intercepted the vehicle without any valid reason and foisted a false case against the driver. Whereas, in Paragraph No.3 of the affidavit, it is stated that the petitioner wished to level the backyard of his house and hence, he transported sand in the vehicle, at that time, the fourth respondent intercepted the vehicle and asked the driver to park the vehicle at the fourth respondent's Police Station.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5.From the above facts, it is seen that the learned counsel for the petitioner has not come out with truth and he has suppressed the facts and he posed different picture before this Court when the matter was taken up for hearing. The vehicle was detained on 15.10.2018 and the petitioner has sent a representation dated 11.10.2018 and without even waiting for any kind of action to be taken and in a hasty manner, he has come to this Court.

6.In view of the above, this Writ Petition is dismissed with cost of Rs.2,500/- to be paid by the petitioner to the Chief Justice Relief Fund, Madras High Court, Chennai.

Sd/-  
Assistant Registrar (CO)

/True Copy/



To  
1. The District Collector,  
Trichy.

2. The Revenue Divisional Officer,  
Trichy.

3. The Thasildar,  
Trichy.

4. The Inspector of Police,  
Navalpattu Police Station,  
Trichy District.

**Copy To:-**

The Section Officer,  
Accounts Section,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.K.PRAVEEN KUMAR, ADVOCATE IN SR No. 96634  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 96575

SMN2

TE/BK/SAR-4 : 24/12/2018 : 3P/8C

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