



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJW.P.(MD) No.17973 of 2019

Maheshwaran

... Petitioner

vs.

- 1.The Assistant Director,
Geology and Mines & Minerals,
Collectorate Office,
Thanjavur, Thanjavur District.
- 2.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
- 3.The Tahsildar,
Valangaiman Taluk,
Valangaiman,
Thiruvarur District.
- 4.The Block Development Officer,
Valangaiman Union,
Mannarkudi Taluk,
Thiruvarur District.
- 5.The Special Officer,
Uthani Panchayat,
Uthani,
Kumbakonam Taluk,
Thanjavur District.
- 6.The Inspector of Police,
Papanasam Police Station,
Papanasam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to release the petitioner's tractor-tipper bearing regn.No.TN-50-X-8526 seized for transporting alluvial soil on the basis of his representation dated 08.08.2019.

**ORDER**

This writ petition has been filed for issuance of Writ of Mandamus to direct the respondents to release the petitioner's tractor-tipper bearing regn.No.TN-50-X-8526 seized for transporting alluvial soil on the basis of his representation dated 08.08.2019.

2. Consequent upon the permission given by the third respondent/Tahsildar in his proceedings in Na.Ka.1257/2019 A2 dated 08.07.2019, the petitioner has taken soil from the pond to augment his agricultural land. On 09.07.2019, when he was transporting the soil, the sixth respondent Police intercepted him and seized his vehicle. According to the petitioner, he transported soil, as per the permission granted by third respondent Tahsildar. When he approached the authorities for release of vehicle, he was directed to approach the concerned Court for getting an order for release of the vehicle. Aggrieved over the same, the petitioner is before this Court.

3. Admittedly, permission was granted to the petitioner for removal of the soil and it is not the case of the respondent that the petitioner has transported excess unit of soil and that he has indulged in illegal activities.

4. In such circumstances, the action taken by the Police is excessive, ultra vires and illegal. The Police should not have seized the vehicle and should have released it, on production of the permission granted by the concerned Revenue Authority. Even assuming that the petitioner has not produced the permission granted by the third respondent Tahsildar, the Police should have cross checked with the Tahsildar about the claim of the petitioner that he was given permission to transport soil for his own use.

5. Considering the facts and circumstances of the case, a direction is issued to the sixth respondent to release the vehicle of the petitioner namely tractor-tipper bearing regn.No.TN-50-X-8526, seized on 09.07.2019. The sixth respondent is directed to apply their mind in future, while exercising their powers and shall not indulge in illegal exercise of power.

6. The writ petition is ordered accordingly. There is no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To:

1. The Assistant Director,
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Thanjavur, Thanjavur District.
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Papanasam,
Thanjavur District.

W.P. (MD) No.17973 of 2019
04.09.2019

vs

MS/12.09.2019/3P.7C