



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A. (MD)Nos.1009 to 1015 of 2020

V.Kasinathan	...Appellant in WA(MD).1009 of 2020
M.Subbaiah	...Appellant in WA(MD).1010 of 2020
N.Ponnaiah	...Appellant in WA(MD).1011 of 2020
M.Siva	...Appellant in WA(MD).1012 of 2020
N. Muneeswaran	...Appellant in WA(MD).1013 of 2020
A.Bhaskar	...Appellant in WA(MD).1014 of 2020
V.Gandhi	...Appellant in WA(MD).1015 of 2020

Vs.

1.The Assistant Director,
Mines and Minerals Department
Ramanathapuram District

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

3.The Deputy Tahsildar
Thiruvadanai Taluk
Ramanathapuram District.

: Respondents in all WAs

COMMON PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) Nos.15063, 15066, 15067, 15065, 15068, 15064 and 15062/2020 dated 22.10.2020.

Prayer in WP(MD). 15063/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of writ directing the respondents to release the petitioners vehicle (Tractor with Trailers) bearing Registration Number TN-63-S-7498 which is under the custody of the 2nd respondent .

Prayer in WP(MD). 15066/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus or any other appropriate writ or order or direction in the nature of writ directing the respondents to release the



petitioners vehicle(Tractor with Trailer) bearing registration No.TN 63 BW 2368 and TN 63 U 6120 respectively which is under the custody of the 1st respondent forthwith.

Prayer in WP(MD). 15067/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to release the petitioners vehicle (Tractor with Trailer) bearing Registration No. TN 65 AJ 3286 which is under the custody of the 2nd respondent police forthwith.

Prayer in WP(MD). 15065/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ directing the respondents to release the petitioners vehicle (Tractor with Trailer) bearing registration No.TN 65 AB 8637 and TN 65 E 9661 respectively which is under the custody of the 2nd respondent police forthwith.

Prayer in WP(MD). 15068/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, direction the respondents to release the petitioners vehicle (Tractor with Trailer) bearing Regn. No. TN 63 P 2675 respectively which is under the custody of the 2nd respondent forthwith.

Prayer in WP(MD). 15064/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, or any other appropriate writ or order or direction in the nature of Writ directing the respondents to release the petitioners vehicle (JCB) bearing Registration Number TN 65 AL 8929 which is under the custody of the 2nd respondent forthwith.

Prayer in WP(MD). 15062/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to release the petitioners vehicle (Tractor with Trailer) bearing Regn. No. Tn 65 J 7564 and TN 65 J 7547 respectively which is under the custody of the 2nd respondent forthwith.

For Appellant : Mr.V.Panneer Selvam
(in all WPs)



For Respondents
(in all WPs)

: Mr.K.P.Krishnadoss
Special Government Pleader
Mr.A.K.Baskarapandian
Advocate Commissioner

WEB COPY

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

All these writ appeals have been preferred only aggrieved over the conditions imposed, while releasing the vehicles.

2.In the case on hand, the foundation facts are not disputed, as could be seen from the report of the Advocate Commissioner. With the same larger extent, surface soil was taken from one boundary to the other boundary for the purpose of construction of the house. The land is in the name of the father and the proposed constructed house was for the daughter. Thus, there is no difficulty with respect to the usage of the soil - for domestic purpose. In such view of the matter, we are of the view that the appeals deserve to be allowed, particularly, in the light of the report of the Advocate Commissioner.

3.The appellants made some deposit on the file of this Court in the writ appeals, while getting interim orders. The aforesaid amount deposited may be permitted to withdraw by the appellants.

4.Accordingly, all the appeals stand allowed in *toto*. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

To

1.The Assistant Director,
Mines and Minerals Department
Ramanathapuram District

2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.



3.The Deputy Tahsildar
Thiruvadanai Taluk
Ramanathapuram District.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-2906[F] dated
02/02/2021)

+1 CC to M/s.GP (SR-2612[F] dated 01/02/2021)

Order made in
W.A. (MD)Nos.1009 to 1015 of 2020
29.01.2021

SV2 (CO)
TR(09.02.2021) 4P 6C