



W.A.(MD) No.765 of of

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A.(MD) No.765 of 2018

and

C.M.P.(MD) No.4534 of 2018

1.The Revenue Divisional Officer,
Thiruchendur,
Tuticorin District.

2.The Inspector of Police,
Arumuganeri Police Station,
Tuticorin District.

... Appellants/
Respondents 1 & 2

Vs.

1.M.Arumugavel
2.Muthu Ramasubramanian,
Inspector of Police,
Arumuganeri Police Station,
Tuticorin District.

... 1st Respondent/Petitioner

... 2nd Respondent/
3rd Respondent



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Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 20.09.2017 made in W.P.(MD) No.14718 of 2014.

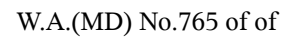
For Appellants	:	Mr.N.Muthuvijayan Special Government Pleader
For R1	:	Mr.Raja Karthikeyan
For R2	:	Ms.P.Kalaiyarasi Bharathi

JUDGMENT

(Judgment of the Court was delivered by **N.SESHASAYEE, J.**)

This appeal is directed against an order of the learned Single Judge directing the appellants herein to refund a sum of Rs.26,170/-, which the appellants have collected for violating the term of permit granted for transportation of river sand.

2. On 19.04.2014, the writ petitioner/1st respondent herein had purchased 2 units of river sand from an authorised vendor at Pudukottai District and transported it in his lorry bearing Registration No.TN 22 AQ 8053. The



3. Contending that the appellants' action is arbitrary, the 1st respondent had approached this Court in W.P.(MD) No.14718 of 2014. This was contested by the 2nd respondent-Inspector of Police, who intercepted the vehicle. But the learned Single Judge was plainly unconvinced about the stands taken by the respondents before him and ordered re-fund of Rs.26,170/- within a period of four weeks. This order is now under challenge in this appeal.

4. Heard both sides and perused the records. This Court is satisfied that the line of reasoning of the learned Single Judge cannot be considered as perverse or illegal as to warrant an interference at this appellate stage.



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5. Accordingly, this Writ Appeal is dismissed and the order dated 20.09.2017 made in W.P.(MD) No.14718 of 2014 is confirmed. Now the appellants are directed to refund the said sum with interest at the rate of 6% per annum from the date of the order of the learned Single Judge till the date of payment. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
03.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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