



W.P (MD).No.27065 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.27065 of 2024

Angel Earth Movers,
Rep. by its Proprietor,
Sajilin Prabhu,
S/o.Salishkumar

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli),
Nagercoil Region,
Ranithottam,
Kanyakumari District.

2.The Manager,
Tamilnadu State Transport Corporation (Tirunelveli),
Nagercoil Region, Building Division, Ranithottam,
Kanyakumari District.

3.Suyambu Thurai

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the vehicle of the petitioner namely tipper lorry bearing registration No.TN-75 AK 5260, TN-75 AL 9650 and Bharat Benz Tipper lorry bearing registration No.TN-25 BC 8005 and Hitachi machine namely Kuboto U50 with engine no 7JD6376 and consequently direct the respondents 1 and 2 to permit the



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petitioner to take the remaining construction waste from the premises of respondents 1 & 2 at Rani Thottam by considering the petitioner's representation dated 24.10.2024.

For Petitioner : Mr.A.Balakrishnan
For R1 & R2 : Mr.D.Jebaraj
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents 1 & 2 to release the vehicle of the petitioner namely tipper lorry bearing registration No.TN-75 AK 5260, TN-75 AL 9650 and Bharat Benz Tipper lorry bearing registration No.TN-25 BC 8005 and Hitachi machine namely Kuboto U50 with engine no 7JD6376 and consequently direct the respondents 1 and 2 to permit the petitioner to take the remaining construction waste from the premises of respondents 1 & 2 at Rani Thottam.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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4. The petitioner engaged in business in the name and style of Angel Earth Movers at Bethelpuram. The petitioner owned the vehicle such as lorries bearing registration Numbers TN75 AK 5260, TN 75 AL 9650 and Bharat Benz tipper lorry bearing registration No.TN 25 BC 8005 and Hitachi machine namely Kuboto-U50 with cabin. While being so, the respondents 1 & 2 for demolition of old building and removal of construction waste of two storied building situated at Rani Thottam awarded the work order to the third respondent and in turn, the third respondent engaged the petitioner to clear the debris to the demolished building. It seems the third respondent failed to complete the work within the stipulated time. Therefore, now the vehicles owned by the petitioner engaged by the third respondent are in the custody of the respondents 1 & 2 and they refused to release the vehicles.

5. Admittedly, the petitioner is nothing to do with the respondents 1 & 2 and the petitioner's vehicles are engaged by the third respondent.

6. In view of the above, the respondents 1 & 2 are directed to release the petitioner's vehicles namely tipper lorry bearing registration No.TN-75 AK 5260, TN-75 AL 9650 and Bharat Benz Tipper lorry bearing registration



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No.TN-25 BC 8005 and Hitachi machine namely Kuboto U50 with engine no
7JD6376 forthwith to the petitioner.

7. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

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G.K.ILANTHIRAIYAN, J.

am

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