

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15419 of 2015

K.Ramesh

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

2.The District Collector,
Tiruvallur District, Tiruvallur.Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent the District Collector herein to conclude the adjudication in so far relates to seizure of the lorry of the petitioner bearing Registration No.AP-26-X-1611 seized by the Inspector of Police, Arambakkam, Tiruvallur District on 28.08.2014 as per order dated 16.09.2014 passed in W.P.No.27832 of 2014 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.T.N.Rajagopalan
Special Government Pleader

ORDER

This writ petition has been K.Ramesh seeking a simple direction directing the second respondent the District Collector, Tiruvallur to conclude the pending adjudication insofar as the issue relates to seizure of the lorry of the petitioner bearing Registration No.AP-26-X-1611 seized by the Inspector of Police, Arambakkam, Tiruvallur District on 28.08.2014 as per order dated 16.09.2014 passed in W.P.No.27832 of 2014.

2.Heard the learned counsel appearing for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader who takes notice for the respondents.

3.The petitioner who is the owner of the lorry bearing Registration No.AP-26-X-1611 has used the same through his driver with strict instructions to use the lorry only for lawful purposes. On the basis of the instructions given by the petitioner/ owner of

the lorry, his driver also used to report once in a week and tender accounts of the trips made by his lorry. Whiles, his lorry was engaged by a trader for transportation of silicon sand from Chinthavanam, Chillkur Mandal with Transit Pass Book No.1228 dated 28.08.2014 to Mel Cast Company (P) Limited, Ponneri.

4.While the lorry was proceeding from Chinthavanam, Chillkur Mandal to Mel Cast Company (P) Limited, Ponneri on its way, all the check posts were checked and proceeded further. But the Inspector of Police, Arambakkam came and seized the lorry with silicon sand. Subsequently, the vehicle was also handed over to the respondents. Thereafter the respondents also filed W.P.No.23872 of 2014 seeking issuance of writ of Mandamus directing the Revenue Divisional Officer, Ponneri to release the lorry bearing Registration No.AP-26-X-1611 seized by the Inspector of Police on 28.08.2014. This Court vide order dated 16.09.2014 directed release of the vehicle subject to the following conditions:

- i.The petitioner shall establish the ownership of the vehicle by producing necessary documents before the first respondent.
- ii.The petitioner shall not encumber or alienate the vehicle in any manner till adjudication is over.
- iii.The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) in cash, since it is stated that the petitioner has got valid transport permit for transporting from other State, within a period of two weeks from today before the first respondent.
- iv.The petitioner shall also file an affidavit before the first respondent that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the first respondent;
- v.If the petitioner complies with all the above said conditions, the vehicle shall be released within three days therefrom.
- vi.The first respondent is free to proceed further and pass orders after affording an opportunity to the petitioner.
- vii.The petitioner shall abide by the final orders of the first respondent."

5.However, still the petitioner has got a grievance as the adjudication proceeding is pending indefinitely. Therefore, he has come to this Court again seeking further direction to the respondent to conclude the adjudication proceeding expeditiously.

6.Mr.T.N.Rajagopalan, the learned Special Government Pleader appearing for the respondents would submit that since the laboratory test report has shown that the lorry transported only silicon sand, the District Collector, Tiruvallur is the competent Authority since

the silicon sand comes under major minerals. Therefore, he requested that there would be no impediment if a reasonable time of three weeks is granted to the District Collector, Tiruvallur to conclude the proceeding.

7. Accepting the request made by the learned Special Government Pleader, this Court hereby directs the District Collector, Tiruvallur to conclude the adjudication proceedings on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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1. The Revenue Divisional Officer,
Ponneri, Tiruvallur District.

2. The District Collector,
Tiruvallur District, Tiruvallur.

+1cc to Mr.C. Prakasam, Advocate, S.R.No.26234

+1cc to the Government Pleader, S.R.No.26145

TS(CO)
EU(07/07/2015)

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