

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

WRIT PETITION NO.1617 OF 2015

M.Jaganathan

... Petitioner

Versus

The Revenue Divisional Officer
Villupuram
Villupuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to release the MMV Mobile Crane bearing Registration No.TN-01-AS-4954 seized by the Assistant Director of Mines and Geology, Villupuram, on 28.11.2014 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Kumar
Special Government Pleader

ORDER

This Writ Petition has been filed seeking Mandamus directing the respondent herein to release MMV Mobile Crane bearing Registration No.TN-01-AS-4954 seized by the Assistant Director of Mines and Geology, Villupuram, on 28.11.2014.

2. Heard the learned counsels appearing on both sides.

3. The petitioner being the owner of MMV Mobile Crane bearing Registration No.TN-01-AS-4954, has given it for hire and in doing so, he has entrusted the MMV Mobile Crane to his driver with strict instructions to use the said vehicle only for lawful purpose. Although the driver used to report the petitioner once in a week or ten days about the trips made by him, surprisingly on 28.11.2014, when his Mobile Crane was engaged by one Jagathalaprathaban for levelling his land by removing stones from his land, which are causing hindrance to the agricultural crops, the Assistant Director of Mines and Geology, Villupuram, came and seized the said crane.

Eventhough the driver explained that the crane cannot transport any stones from one place to another place, the Assistant Director of Mines and Geology, Villupuram, seized his crane and handed over the same to the respondent. Immediately thereafter, the petitioner made his representations dated 01.12.2014, 29.12.2014 and finally on 06.01.2015 to release his vehicle. But he was directed to approach the Court for getting the order. As a result, the petitioner has come forward to this Court.

4. The respondent has filed counter stating that the petitioner's MMV Mobile crane was found removing and carrying stones. Thereafter several oral complaints, about the irregularities and illegal activities of the petitioner by using the vehicle, were made before the respondent. Therefore, when inspection took place on 28.11.2014 in the revenue village of Muttathur near Sangeethamangalam, wherein and around there are so many archeological important sites situated, the Assistant Director of Mines and Geology finding that the petitioner's crane was removing some of the stones from the archeological area, has seized the crane and subsequently, handed over the same to the custody of the police station, Kanjanur. Subsequently, the Revenue Divisional Officer has also passed an order to release the vehicle, if the petitioner comes forward to pay Rs.50,000/- (Rupees fifty thousand only).

5. Mr.C.Prakasam, learned counsel appearing for the petitioner has agreed to pay the amount of Rs.50,000/- (Rupees fifty thousand only) for release of the vehicle. The submission of the learned counsel for the petitioner is recorded.

6. On payment of Rs.50,000/- (Rupees fifty thousand only) by the petitioner, the petitioner's MMV Mobile Crane bearing Registration No.TN-01-AS-4954 shall be released by the respondent. It is open to the petitioner to challenge the said order, if so advised, in accordance with law. It is made clear that the payment of Rs.50,000/- (Rupees fifty thousand only) does not prevent the petitioner from challenging the seizure of the vehicle and the levy of penalty in the adjudication procedure.

7. With this, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mra

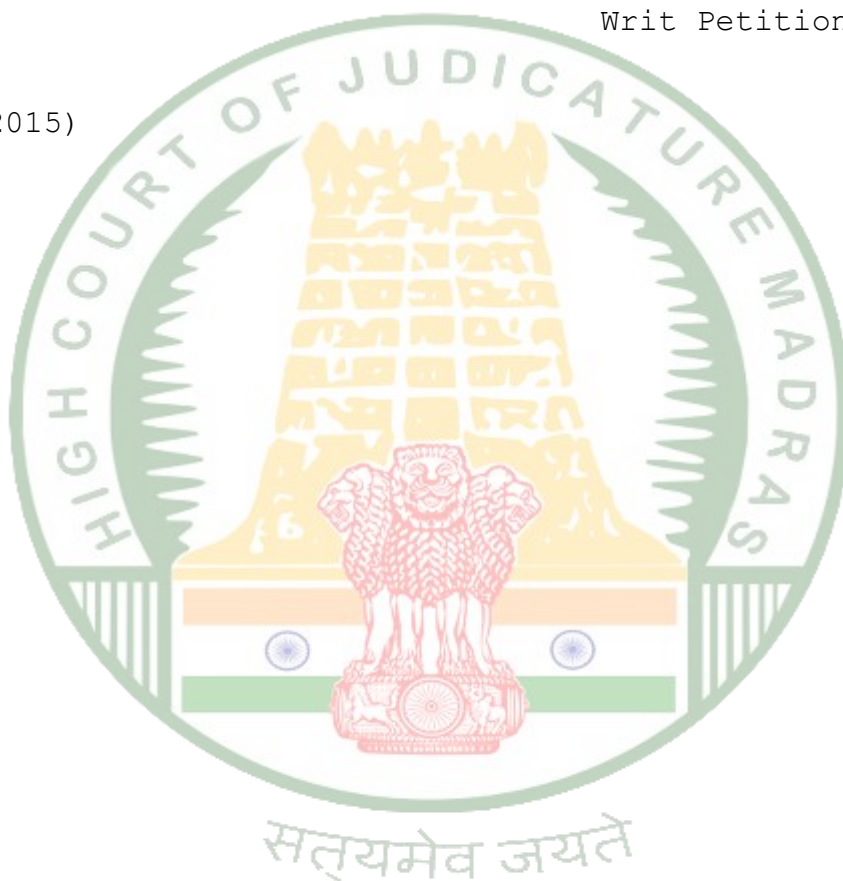
To

The Revenue Divisional Officer
Villupuram
Villupuram District.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.29037

Writ Petition No.1617 of 2015

KSJ(CO)
CA(10/07/2015)



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