

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

W.P.Nos.26139 to 26143 of 2015
and M.P.Nos.1 of 2015

C.Iruthayasamy [Petitioner in W.P.Nos.26139 to 26141/15]
M.Suthanthiradevi [Petitioner in W.P.No.26142/15]
K.Louis [Petitioner in W.P.No.26143/15]

Vs

- 1 The District Collector
Salem District Salem.
 - 2 The Revenue Divisional Officer
Attur Salem District.
 - 3 The Tahsildar
Gengavalli Taluk Gengavalli Salem District.
 - 4 The Inspector of Police
Thammampatty Police Station Thammampatty
Salem District.
 - 5 M.Suryanarayanan
- [Respondents]

Petition No.26139/15 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 and their subordinates to release the tractor bearing Registration No. TN 30 W 9050 with two wheeler tipper trailer to the petitioner which is seized from the 5th respondents land at Thammampatti Village Salem District.

Petition No.26140/15 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 and their subordinates to release the the tractor bearing Registration No. TNF 2932 with two wheeler tipper trailer to the petitioner which is seized from the 5th respondents land at Thammampatti Village Salem District.

Petition No.26141/15 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 and their subordinates to release the JCP Vehicle bearing Registration No. TN 77 E 2583 fto the petitioner which is seized from the 5th respondents land at Thammampatti Village Salem District.

Petition No.26142/15 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 and their subordinates to release the tractor bearing Registration No. TN 77 7914 with two wheeler tipper trailer to the petitioner which is seized from the 5th respondents land at Thammampatti Village Salem District

Petition No.26143/15 filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 and their subordinates to release the tractor bearing Registration No.MDO 8861 with two wheeler tipper trailer to the petitioner which is seized from the 5th respondents land at Thammampatti Village Salem District

For Petitioner .. Mr.K.K.Senthilvelan
For Respondents .. Mr.T.N.Rajagopalan, SGP (1-4)

COMMON ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents 1 to 4 and with their consent, the main writ petitions are taken up for disposal.

2. These writ petitions are filed seeking a writ of mandamus to direct the respondents 1 to 4 to release the respective vehicles, which were seized from the 5th respondent's land at Thammampatti Village, Salem district.

3. According to the learned counsel for the petitioners, it is the case of the petitioners that the 5th respondent, who is an agriculturist, owning 16 acres of agricultural land in S.Nos.8/3,4,11/1,3,12, 450/3, 450/A, 21/4, 20/1A, 446/2,3,4,5 in Thammampatty Villatge, Salem District, wanted to level the said lands and hence he decided to take red sand in one part of his own land and put the same in the other part of his patta land. For such purpose, the 5th respondent hired the respective vehicles in question. While that being so, the 4th respondent on 12.07.2015 came to the 5th respondent's land and seized the petitioners vehicles and registered a case in Crime No.167/2015 under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. However, the 5th respondent and five others were released by the 4th respondent on the same day, but the vehicles are now with the custody of the 4th respondent. Inspite of repeated requests made by the petitioners, the vehicles in question are not released. In this regard, the

petitioners submitted representations on 27.07.2015. Since there is no response, the petitioners are before this Court.

4. On the other hand, the learned Special Government Pleader appearing for respondents 1 to 4 submitted that no such representations have been received by the respondents.

5. In view of the above submission made by the learned Special Government Pleader, the petitioners are directed to enclose a copy of the said representations along with a copy of this order and produce the same before the 2nd respondent and on receipt of the same, the 2nd respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order.

The writ petitions are disposed of with the above directions. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

- 1 The District Collector
Salem District Salem.
- 2 The Revenue Divisional Officer
Attur Salem District.
- 3 The Tahsildar
Gengavalli Taluk Gengavalli Salem District.
- 4 The Inspector of Police
Thammampatty Police Station Thammampatty
Salem District.

+5 ccs to Mr.K.K. SenthilVelan Advocate sr.44646
+1 cc to the Government Pleader sr.44726

W.P.Nos.26139 to 26143 of 2015

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