

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.34362 of 2015
and M.P.No.1 of 2015

C.Venkatesan

[Petitioner]

Vs

- 1 The District Collector
Villupuram District Villupuram
- 2 The Commissioner
Geology and Mining Guindy Chennai 32
- 3 The Inspector of Police
Vanur Police Station Vanur
Villupuram District

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 3rd respondent to release the vehicle bearing Registration No. TN 54 8781 Tarus Lorry to the petitioner forthwith and thereby direct the 2nd respondent to dispose off the appeal filed by the petitioner on 3.6.2015 within the time frame fixed by this Court.

For petitioner :Mr.N.Suresh

For respondents :Mr.T.N.Rajagopalan, SGP

O R D E R

Heard the learned counsel for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition has been filed seeking a direction to the the 3rd respondent to release the vehicle bearing Registration No. TN 54 8781 Tarus Lorry to the petitioner forthwith and thereby direct the 2nd respondent to dispose off the appeal filed by the petitioner on 3.6.2015 within the time frame fixed by this Court.

3. The case of the petitioner is that his vehicle bearing Registration No.TN 54 8781 Tarus Lorry, which has been used for agricultural operations, has been detained by the Tahsildar, Vanur on 05.01.2015 on the ground of transportation of granite stones without permission. It is the submission of the learned counsel for the petitioner that the petitioner did not know anything about such transportation and he has not given any permission to the driver to do such transportation. In fact, according to the learned counsel for the petitioner, the petitioner on the said date was not well and he was in Chennai for taking treatment. Further, according to him, the lorry was handed over to Vanur Police Station after detention. An enquiry was conducted by the 1st respondent and by an order dated 24.04.2015, the 1st respondent has directed the petitioner to pay a sum of Rs.3,74,322/- being the value of the material and seigniorage fee. Aggrieved over the same, the petitioner filed a statutory appeal before the Commissioner of Geology and Mining and sent the same by registered post on 03.06.2015, which has also been received by the 2nd respondent. Till date no order has been passed in the said appeal. Hence, the petitioner is before this Court.

4. Admittedly, as against the order of the 1st respondent, the petitioner has moved an appeal before the 2nd respondent and the same is still pending. Hence, to meet the ends of justice, this Court is of the view that it would suffice if a direction is given to the 2nd respondent to dispose of the appeal within a time frame.

5. In view of the above, without going into the merits of the claim, the 2nd respondent is directed to dispose of the appeal filed by the petitioner on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after affording due opportunity to the petitioner.

The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

rg

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Villupuram District Villupuram

2 The Commissioner
Geology and Mining Guindy Chennai 32

3 The Inspector of Police
Vanur Police Station Vanur
Villupuram District

+ 1 cc to Mr.N.Suresh, Advocate SR 59037

+ 1 cc to Govt.Pleader SR 58835

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