



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2015

CORAM:

THE HONOURABLE Mr. JUSTICE T. RAJA

W.P. (MD) No. 15822 of 2015

I. Madasamy

WEB COPY

... Petitioner

Vs.

1. The Assistant Director of Mines and Minerals,
Collector's Office Complex,
Tirunelveli District.

2. The Revenue Divisional Officer,
Cheramahadevi,
Tirunelveli District.

3. The Thasildar,
Ambasamuthiram,
Tirunelveli District.

4. The Sub Inspector of Police,
Kadaiyam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to return back the tractor bearing registration No. TN-76 V6831 and trailer bearing registration No. TN-76 V 6828 to the petitioner which was seized by the 3rd respondent on 16.06.2015.

For Petitioner : Mr. S. Alagusundar

For Respondent : Mr. S. Sadeshkumar, AGP

O R D E R

This Writ petition has been filed by the petitioner viz., I. Madasamy, seeking an order to issue a Writ of Mandamus, directing the respondents 2 to 4 to return back the tractor bearing registration No. TN-76 V6831 and trailer bearing registration No. TN-76 V 6828 to the petitioner which was seized by the 3rd respondent on 16.06.2015.

2. Mr. S. Sadeshkumar, learned Additional Government Pleader took notice for the respondents. By consent, the Writ petition itself is taken up for final disposal. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The learned Additional Government Pleader appearing for the respondents would submit that when the petitioner was transporting red soil on 16.06.2015 by using his Tractor, the 3rd respondent intercepted the vehicle and found that red soil for 1/4 unit has been transported, without valid trip sheet. Hence, the 3rd respondent seized the Tractor on the ground that the transportation of red soil is against Rule 36-A(1) and (5) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and Section 21 of the Tamil Nadu Minor Mineral (Regulation and Development) Act, 1957. Thereafter, a magazor was also prepared. Immediately, after coming to know the seizure of the vehicle, the petitioner gave a representation dated 10.08.2015 to the respondents 2 and 3 stating that he has admitted the alleged offence and ready to pay the fine amount to be imposed by the respondents. However, the respondents have not



considered the explanation offered by the petitioner for release of the vehicle. Hence, the petitioner is before this Court with the present Writ petition with the aforesaid prayer.

4. The learned counsel for the petitioner would submit that the petitioner has carried red soil to level the grounds in front of his house and not for commercial purpose.

5. This Court also find that the petitioner has carried only quarter unit of red soil. As the petitioner has agreed to pay the fine amount in his representation dated 10.08.2015, he has accepted the fact that he carried red soil in his Tractor. Therefore, the 3rd respondent is hereby directed to release the Tractor and Trailer on the following conditions:

"i) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) with the 3rd respondent within a period of one week from the date of receipt of a copy of this order.

ii) On deposit of the said amount, the respondents are directed to release the vehicle on the following conditions:-

(a) The petitioner shall produce before the respondents the relevant documents to establish his ownership of the vehicle;

(b) He shall execute an affidavit giving undertaking that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him;

iii) The respondents are at liberty to initiate proceeding against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceeding has to be taken, within a period of three months from the date of receipt of a copy of this order. If no action is taken against the petitioner, within the said period, the amount deposited by him shall be returned to him; and

(iv) The petitioner shall abide by the orders passed by the authority concerned or the respondents.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar.

To

1. The Assistant Director of Mines and Minerals, Collector's Office Complex, Tirunelveli District.

2. The Revenue Divisional Officer, Cheramahadevi, Tirunelveli District.

3. The Thasildar, Ambasamuthiram, Tirunelveli District.

4. The Sub Inspector of Police, Kadaiyam Police Station, Tirunelveli District.

+1CC to Mr. S. Alagusundar, Advocate, SR.No.50974

+1CC to The Special Government Pleader, SR.No.51727

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