

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.28462 of 2016

1.S.Rajamanickam

2.R.Ramachandran

.. Petitioners

-Vs-

1.The Revenue Divisional Officer
Kallakurichi,
Villupuram District.

2.The Tahsildar
Kallakurichi, Villupuram District.

3.The Sub Inspector of Police
Varanjaram Police Station
Varanjaram, Villupuram District. .. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call lfor the records of the first respondent in Na.Ka.No.A6/3670/2016 dated 11.07.2016 and quash the same and consequently, direct the respondents to release the first petitioner's vehicle Mahendra 575 D1 Tractor agriculture bearing Registration No.TN 32 aw 1901 and 2nd petitioner's vehicle LMV Trailer bearing Registration NO.TN 32 K 3097 now standing at the third respondent Police.

For Petitioners : Mr.M.Saravana Kumar
For Respondents : Mr.A.Zakkir Hussain
Govt.Advocate

O R D E R

Heard Mr.M.Saravana Kumar, learned counsel for the petitioner and Mr.A.Zakkir Hussain, learned Government Advocate accepting notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal.

2.The petitioners who are the father and son have come forward with this Writ Petition challenging the order passed by the first respondent dated 11.07.2016, imposing penalty for illicit mining of river sand.

3.The petitioners have earlier filed W.P.No.13372 of 2016, wherein, they sought for release of vehicles and this Court did not issue any positive direction, but, directed the first respondent to consider their representation. Pursuant to which the impugned order has been passed.

4.The learned counsel appearing for the petitioners would submit that the fine amount imposed on the petitioners viz. Rs.30,878/-, is on the higher side.

5.As per the communication dated 09.08.2016, sent by the Revenue Divisional Officer, Kallakurichi to the Registry, it is seen that if the sand have been transported without any permission, the Revenue Divisional Officer can seize the vehicle with fine and on receipt the fine amount, the Revenue Divisional Officer, based upon the guidelines issued by the Government in G.O.Ms.No.3/1998 dated 02.01.1998 and G.O.Ms.No.253 dated 26.06.2000, can release the vehicles.

6.Therefore, in the absence of any challenge to the said Government order, the petitioners cannot now seek for a direction to reduce the penalty. Furthermore, the petitioners are the owners of Tractor and Tipper Trailer and taking note of the offence committed and the fine imposed, there is nothing unreasonable about the order passed by the first respondent.

7.Accordingly, the Writ Petition fails and the same is dismissed. The respondents are directed to release the vehicles, on payment of entire fine amount. No costs.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rpa

To

1.The Revenue Divisional Officer
Kallakurichi,
Villupuram District.

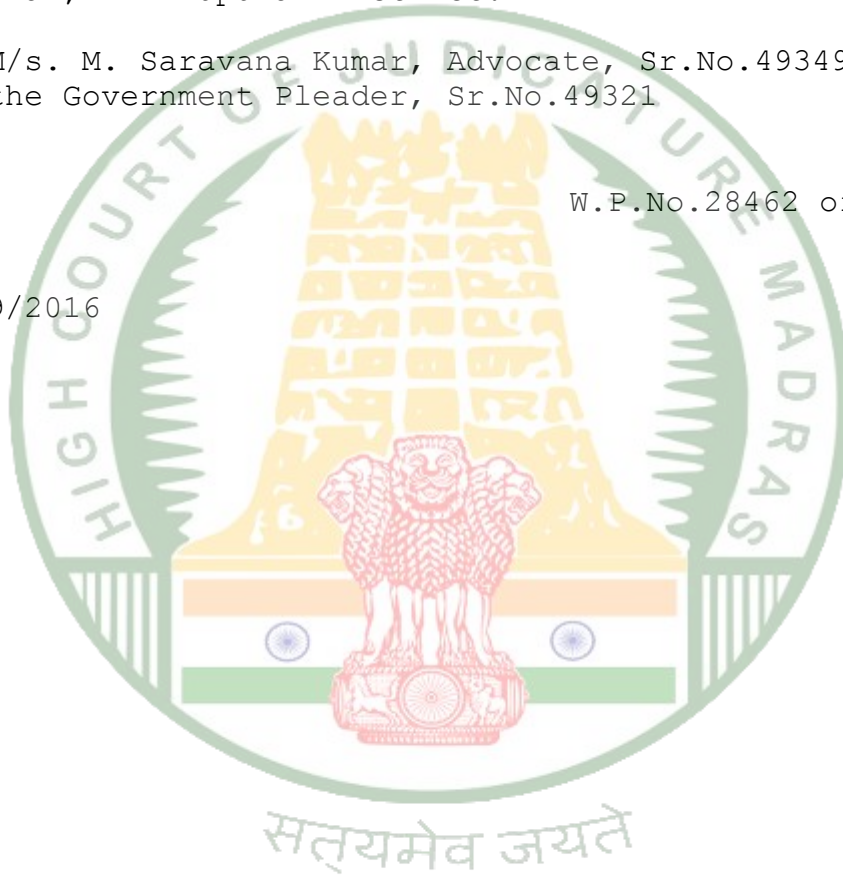
2.The Tahsildar
Kallakurichi, Villupuram District.

3.The Sub Inspector of Police
Varanjaram Police Station
Varanjaram, Villupuram District.

+1 CC to M/s. M. Saravana Kumar, Advocate, Sr.No.49349
+1 CC to the Government Pleader, Sr.No.49321

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ALA (CO)
MD : 15/09/2016



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