

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33253 of 2016 and

W.M.P.Nos.28735 and 28736 of 2016

G.Kandasamy ... Petitioner

Vs

- 1.The District Collector,
Krishnagiri,
Krishnagiri District
- 2.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.
- 3.The Tahsildar,
Krishnagiri,
Krishnagiri District. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue Writ of Certiorarified mandamus to quash the orders passed by the 2nd respondent in Na.Ka.No.1317/2016/C, on 01.09.2016 and consequently direct the third respondent to release the Lorry seized by the 3rd respondent on 27.06.2016, bearing registration no.TN.28-AF-2082.

For Petitioner : Mr.M.Murali
For Respondents :Mr.S.Diwakar, Spl.G.P.

O R D E R

Heard Mr.M.Murali, the learned counsel for the petitioner and Mr.S.Diwakar, the learned Special Government Pleader, who accepts notice on behalf of the respondents and with the consent of either side, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition challenging the order passed by the second respondent imposing penalty on the petitioner for illicit transport of sand.

3. Admittedly, as against the impugned order, an appeal is

maintainable before the District Collector, in terms of Rule 36 (C) of the Tamil Nadu Mines and Minerals Concession Rules, 1959. Hence, the petitioner has to avail such remedy. Accordingly, the writ petition stands disposed of giving 15 days' time to the petitioner to file appeal before the District Collector, Krishnagiri and if the appeal is filed, the District Collector, Krishnagiri, shall consider the same, taking note of the objections and can also direct for interim release of the vehicle, subject to certain conditions.

4. With the above directions, the writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

5.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

1. The District Collector,
Krishnagiri,
Krishnagiri District

2. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3. The Tahsildar,
Krishnagiri,
Krishnagiri District

+1 CC to Mr. M. Murali, Advocate Sr.No.61350

W.P.No.33253 of 2016

CTK (CO)
MD : 2/11/2016