

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.9.2016

CORAM :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No. 33726 of 2016

Ellappan

...Petitioner

Vs

1. The District Collector, Kancheepuram
District, Kancheepuram.

2. The Revenue Divisional Officer,
Mathuranthagam, Kancheepuram Dist.

3. The Assistant Director of Geology &
Mining, Chengalpattu Taluk,
Kancheepuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to release the vehicle (lorry) bearing Regn.No.TN-21-M-3587 pursuant to the representation dated 20.9.2016.

For Petitioner : Mr. T. Muruganantham

For Respondents: Mr. R. Govindasamy, SGP

ORDER

Mr. R. Govindasamy, learned Special Government Pleader takes notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. In the light of the order of the Division Bench of this Court dated 17.3.2006 in W.A.No.304 of 2006, the first respondent is directed to release the lorry bearing Regn.No.TN-21-M-3587, seized on 11.4.2016, to the petitioner on the following conditions:

"(i) The petitioner shall deposit a sum of Rs.12,500/- (Rupees twelve thousand and five hundred only) within a period of two weeks from today;

(ii) The petitioner shall also give an unconditional undertaking by way of an affidavit that the vehicle will not be

used for illicit mining purposes and that he will not part with or alienate the vehicle until the adjudication is over;

(iii) The petitioner shall also prove his ownership of the vehicle to the satisfaction of the authorities; and

(iv) The petitioner shall also produce the vehicle once in two months before the respondents herein in order to ensure that the condition No.(ii) is properly complied with."

3. On compliance of condition Nos.(i) to (iii), the first respondent is directed to release the vehicle forthwith. The first respondent is also directed to initiate adjudication proceedings and complete the same. The disbursement of the amount of Rs.12,500/- deposited by the petitioner would depend on the outcome of the adjudication proceedings by the authorities.

4. In the event of the petitioner not complying with condition No.(iv), it will be open for the first respondent to seize the vehicle without any further notice to the petitioner.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector, Kancheepuram District, Kancheepuram.

2.The Revenue Divisional Officer, Mathuranthagam, Kancheepuram Dist.

3.The Assistant Director of Geology & Mining, Chengalpattu Taluk, Kancheepuram District.

+1cc to Mr.T. Muruganantham, Advocate, S.R.No.54952

+1cc to the Government Pleader, S.R.No.55052

KS (CO)

EU(05/010/2016)

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