

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.Nos.39138 & 39139/2016

L.Krishnan ..Petitioner in both writ
petitions

Vs

The Sub Collector
Hosur, Krishnagiri District. ... Respondent in both writ
petitions

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to release the seized Tractors and Trailers bearing Registration Nos.TN-29-AE-0853 and TN-41-E-5281 seized on 22.09.2016 by the respondent to the petitioner.

For Petitioner in
both writ petitions : Mr.G.M.Anantha Kumar
For Respondent in
both writ petitions : Mr.S.Diwakar, Spl.GP

COMMON ORDER

Heard Mr.G.M.Anantha Kumar, learned counsel appearing for the petitioner and Mr.S.Diwakar, learned Special Government Pleader appearing on behalf of the respondents and with the consent on either side, the writ petitions are taken up for final disposal.

2 The petitioner, in these writ petitions is the owner of the Tractors and Trailors bearing Registration Nos. TN-29-AE-0853 and TN-41-E-5281 and these vehicles have been seized by the respondent on the ground that they were illicitly transporting minerals.

3 According to the petitioner, he had transported certain boulders which according to the petitioner, are rough stones for the purpose of constructing a revetment and for other allied activities. However, at this stage of the matter, the issue as to whether the petitioner was bona fide transporting minerals for personal use cannot be gone into as such issue has to be decided by the respondent.

4 The learned counsel for the petitioner submitted that the vehicles have been seized and detained by the respondent for almost fifteen days and the battery, tyres have also been stolen and the value of the vehicles will deplete if it is continued to be kept in the premises of the office of the respondent.

5 Since the representations given by the petitioner to the respondent are still pending, at this stage of the matter, this Court is not inclined to give any positive direction sought for by the petitioner.

6 Accordingly, there will be a direction to the respondent to consider the representations of the petitioner dated 02.10.2016 and pass appropriate orders on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order and the petitioner is directed to enclose a copy of the representations along with a copy of this order and forward the same to the respondent for consideration.

7 The writ petitions stand disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To
The Sub Collector
Hosur, Krishnagiri District.

+2 cc's to Mr.G.M.Ananda kumar,advocate,sr.64445, 446.

sm(co)
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