

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.4989 of 2016

B.Anbhazhagan

.. Petitioner

v.

1 The District Collector
Kancheepuram
Kancheepuram District

2 The Revenue Divisional Officer
Madhuranthagam
Kancheepuram District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the Heavy Goods Vehicle 107 bearing Registration No. TN 21 J 6357, which was seized by the Sub Inspector of Police, Salavakkam, on 18.12.2015 and thereby consider the representation dated 20.12.2015.

For Petitioner : Mr.G.Punniyakotti

For Respondent : Mr.T.N.Rajagopalan
Spl.Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus to direct the respondents to release the Heavy Goods Vehicle 107 bearing Registration No. TN 21 J 6357, which was seized by the Sub Inspector of Police, Salavakkam on 18.12.2015 and thereby consider the representation dated 20.12.2015.

2. It is the case of the petitioner that he is the owner of the said vehicle bearing Registration No. TN 21 J 6357. According to the respondent, the petitioner transported one load of sand without any valid bill or permission from the Government. Therefore, the respondent seized the vehicle under section 21 of the Mines and Minerals Act and handed over the same to the second respondent alleging that the said lorry was used for the purpose of illegal sand. According to the petitioner, the sand was transported only for his personal

purpose, therefore, he made a representation before the respondent on 20.12.2015.

3. Mr.G.Punniyakotti, learned counsel appearing for the petitioner submitted that in an identical matter in W.P.No.832 of 2016, this court, by order dated 11.01.2016, permitted the petitioner to submit a copy of the representation, seeking for release of the vehicle in question, along with a copy of the order passed in the writ petition and on receipt of the said representation and the copy of the order, directed the respondent to consider the same and pass orders on merits and in accordance with law.

4. Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the respondents and submitted that similar order can be passed in the present writ petition.

5. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I permit the petitioner to submit a copy of the representation dated 20.12.2015 seeking for release of the vehicle in question, along with a copy of this order to the respondents within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the same and pass orders on merits and in accordance with law, within a period of two weeks thereafter.

With these observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Rj

To

1 The District Collector
Kancheepuram
Kancheepuram District

2 The Revenue Divisional Officer
Madhuranthagam
Kancheepuram District

+1 cc to Mr.G.Punniyakotti, Advocate, sr.8612