



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.13307 of 2016

A.Mahendran

..Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Sub-Inspector of Police,
Elayirampannai Police Station,
Virudhunagar District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to release the Petitioner's Tractor(Agriculture) bearing Registration No.TN 29 S 1746 seized by the third respondent on 26.3.2016.

For Petitioner

:Mr.P.Saravanakumar
for M/s.P.Kalaiyrasi Bharathi

For Respondents

:Mr.S.Chandrasekar
Govt.Advocate

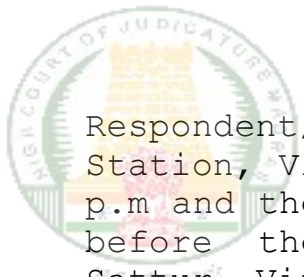
ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondents.

4.The Petitioner has preferred the present Writ Petition praying for passing of an order by this Court in directing the Respondent/The Revenue Divisional officer, Sattur, Virudhunagar District to release his Tractor(Agriculture), bearing Registration No.TN 29 S 1746 seized by the Third



Respondent/The Sub-Inspector of Police, Elayirampennai Police Station, Virudhunagar District on 26.3.2016 at about evening 6.30 p.m and the vehicle was seized for transporting sand and produced before the Second Respondent/The Revenue Divisional officer, Sattur, Virudhunagar District and investigation is still pending.

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5.As a matter of fact, on 30.3.2016, the Petitioner submitted a detailed representation before the Second Respondent/The Revenue Divisional Officer, Sattur, Virudhunagar District, explaining the manner in which the purported occurrence had taken place and prayed for interim release of his Tractor bearing Registration No. TN 29 S 1746. His representation was not considered and also the vehicle in question was not released. Hence the Petitioner has preferred the present Writ Petition before this Court.

6.At this stage, the Learned Government Advocate appearing for the Respondents No.1 to 3 contends that the Third Respondent/The Revenue Divisional Officer, Sattur, Virudhunagar District on 28.6.2016 had imposed a penalty on the Petitioner namely, to pay a sum of Rs.25,535/- in and all, in the order of the Second Respondent/The Revenue Divisional Officer, Sattur, Virudhunagar District, it was made mention of that after payment of the penalty amount, the seized vehicle would be released and added further, the Petitioner was also informed that, in case, if he wants to prefer an appeal against the order, dated 28.6.2016 of the second Respondent, then he can do so before the First Respondent/The District Collector, Virudhunagar District, Virudhunagar within 30 days from the date of receipt of a copy of this order.

7.As far as the present case is concerned, even though the Petitioner seeks for release of his Tractor vehicle in question from the custody of the Second Respondent/The Revenue Divisional Officer, Sattur, Virudhunagar District, this Court is of the considered view that the order of the Second Respondent, dated 28.6.2016 is one of cumulative in nature I.e., the Petitioner was required to pay a total penalty of Rs.25,535/- and as a condition precedent of payment of fine, the vehicle was ordered to be released. Therefore the order is inseparable one and the same is not dis-injunctive in character in the considered opinion of this Court. Viewed in that perspective, the relief sought for by the Petitioner to release the Tractor bearing Registration No.TN 29 S 1746 in question is not acceded to by this Court. Consequently, the Writ Petition fails.

8.In fine, the writ Petition is dismissed, leaving behind the parties to bear their own costs. Since the Petitioner's appeal, dated 30.06.2016 is pending before the First Respondent/The District Collector, Virudhunagar District, Virudhunagar as on date, this Court grants liberty to the Petitioner to move appropriate application seeking interim relief of the custody of the vehicle and in this regard, the Petitioner is directed to



project appropriate Interlocutory Application or Miscellaneous Application, as the case may be, within three weeks from the date of receipt of a copy of this order. In such an event of application/petition being filed, the First Respondent/The District Collector, Virudhunagar District, Virudhunagar is to take up the application/petition immediately on file and to dispose of the same within three days thereafter. In any event, the First Respondent is directed to dispose of the appeal filed by the Petitioner, dated 30.6.2016 by passing a reasoned speaking order on merits (of course after after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the First Respondent and the First Respondent shall take into consideration of the same at the time of disposal of the appeal of the Petitioner. The Petitioner is directed to lend his assistance/cooperation to the First Respondent, so as to enable him to dispose of his appeal, dated 30.6.2016, within the time adumbrated by this Court.

9. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Revenue Divisional Officer,
Sattur, Virudhunagar District.

3. The Sub-Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.

+One cc to M/s. P. Kalaiyarasi Bharathi, Advocate, SR.No.40337

+One cc to The Special Government Pleader, SR.No.40432

vsn

RL/6C/3P/DB/9/8/2016

W.P (MD) No.13307 of 2016