



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) Nos.17583 and 17584 of 2016

K.Senthil ... Petitioner in W.P(MD)No.17583 of 2016
K.P.Nagarajan ... Petitioner in W.P(MD)No.17584 of 2016

Vs.

1.The District Collector,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Inspector of Police,
R.S.Mangalam,
Ramanathapuram District.

... Respondents in both W.Ps

Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to release forthwith the petitioners vehicle viz JCB bearing registration No.TN59AH 9640 and Tractor bearing registration No.TN 65B 5121, respectively seized on 21.8.2016 by the 3rd respondent police.

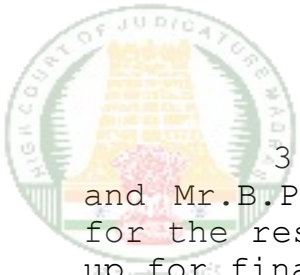
For Petitioners : Mr.AL.Kannan

For Respondents : Mr.B.Pugalenth, AAG
(In both W.Ps)assisted by Mr.K.P.Krishnadoss, G.A

ORDER

These writ petitions have been filed seeking direction to release the petitioners vehicle namely, JCB bearing Registration No.TN-59-AH- 9640 and Tractor bearing Registration No.TN-65-B-5121 seized on 21.8.2016 by the third respondent police.

2.According to the petitioners they are the owners of the above said vehicles. On 21.08.2016, while they were removing clay to level the pathway, the Sub Inspector of Police, R.S.Mangalam, Police Station seized the above said vehicles. Subsequently, an FIR was also registered in Crime No.149 of 2016 for the offence punishable under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.



3. Heard Mr. AL. Kannan, learned counsel for the petitioners and Mr. B. Pugalenti, learned Additional Advocate General appearing for the respondents. By consent, the writ petitions itself are taken up for final disposal at the time of admission stage.

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4. First of all, the Sub Inspector of Police has no power or authority to register a complaint under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957. As per the Government Order in G.O. Ms. No. 114, Industries Department, dated 18.09.2006, only the Inspector of Police is empowered to exercise the provision of Section 21(4) of the said Act and to register complaint under Section 22 of the said Act. In the present case, only the Sub Inspector of Police alone has seized the vehicle and registered the complaint. Therefore, the seizure of the vehicles and registration of the case are not sustainable in law.

5. Accordingly, the writ petitions are allowed and the third respondent is directed to release the vehicles immediately. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

sms

To

1. The District Collector,
Ramanathapuram.

2. The Revenue Divisional Officer,
Ramanathapuram.

3. The Inspector of Police,
R.S. Mangalam, Ramanathapuram District

+2 cc to Mr. AL. KANNAN, Advocate, Sr. No: 53355 & 53356

+1cc to M/S Special Government Pleader, Sr No. 53974

JAM/SK-SKN/SAR I/27.09.16 /2P-7C

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