

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35188 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the fifth respondent in seizing the vehicles bearing registration Nos.TN 73 T 1818 and TN 34 X 5682 on 08.10.2016 and registering the F.I.R.No.192 of 2016 against the petitioners as illegal and arbitrary, and consequently, to direct the fifth respondent not to intercept the dispatch of Silica sand by the petitioners accompanied by the Transit Permit, Way Bill, Purchase Order, Delivery Challan etc.

Heard and perused the material.

Learned counsel for the petitioners submits that the fifth respondent has registered the case being F.I.R.No.192 of 2016 against the petitioners and also seized the vehicles bearing registration Nos.TN 73 T 1818 and TN 34 X 5682 on the allegation that the petitioners are illegally transporting the sand without any valid licence. He further submits that the petitioners are transporting the silica sand only and they are not transporting any other minerals except the mineral for which the petitioners are having valid licence. Hence, he prays this Court to direct the second respondent to release the seized vehicles and the property.

Considering the facts and circumstances of the case, the petitioners are directed to file an application for return of the seized vehicles and property before the Court concerned by invoking the provisions of the Code of Criminal Procedure. The petitioners are directed to produce all the relevant documents to substantiate the claim that they are the valid licenceholders for transporting the sand before the Court concerned and the Court below is directed to pass appropriate orders, on such application being filed, in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

26.10.2016
pln

