

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.10160 of 2017

R.Sudhakar

.. Petitioner

Vs.

1.The District Collector
Tiruvannamalai
Tiruvannamalai district.

2.The Sub Collector / Revenue Divisional Officer
Office of the Sub Collector
Cheyyar, Tiruvannamalai District.

3.The Tahsildar
Office of the Tahsildar
Vembakkam, Tiruvannamalai District.

4.The Inspector of Police
Brammadesam Police Station
Brammadesam
Tiruvannamalai District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent herein to release the vehicles namely two Tipper Lorries one bearing Registration No. TN-21-H-3969 and another bearing Registration No. TN-73-H-7893 to the petitioner within a stipulated period.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.M.Elumalai

Government Advocate

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the second respondent to release two Tipper Lorries bearing Registration Nos. TN-21-H-3969 and TN-73-H-7893, seized by the third respondent on 29.03.2017.

3. It is stated that the above said vehicles were seized by the third respondent on 29.03.2017, on the allegation that the said vehicles were indulged in transporting sand in violation of certain provisions under the Tamil Nadu Minor Mineral Concession Rules, 1959. According to the petitioner, there was no such violation and on the other hand, the vehicles were used only for the personal consumption of the petitioner. Needless to say that it is for the authority to consider such claim of the petitioner and pass appropriate orders and therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner. However, considering the fact that the vehicles were seized as early as on 29.03.2017 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand) for each of the vehicle, before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order.

b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicles for verification of the authority in proof of such ownership.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicles, the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicles for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the 2nd respondent to initiate proceedings in accordance with law and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector
Tiruvannamalai
Tiruvannamalai district.
- 2.The Sub Collector / Revenue Divisional Officer
Office of the Sub Collector
Cheyyar, Tiruvannamalai District.
- 3.The Tahsildar
Office of the Tahsildar
Vembakkam, Tiruvannamalai District.
- 4.The Inspector of Police
Brammadesam Police Station
Brammadesam
Tiruvannamalai District.

+1cc to Mr.Appaswamee, Advocate, S.R.No.25724

W.P.No.10160 of 2017

KJ(CO)
RS(28/04/2017)