

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.9465 of 2017

M.Baskar

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.
2. The Sub-Inspector of Police,
Dusi Police Station,
Thiruvannamalai District. Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to release the Earth Moving Machine TATA 315 V JD (JCB) bearing Registration No.TN 18 J 2975 which was seized by the 2nd respondent on 28.12.2016 and thereby consider the representation dated 06.02.2017.

For Petitioner : Mr.G.Punniakoti
For Respondents : Mr.C. Jagdish,
1 & 2 Special Government Pleader.

O R D E R

Mr.C. Jagdish, 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 respondents to release the Earth Moving Machine TATA 315 V JD (JCB) bearing Registration No.TN 18 J 2975 which was seized by the 2nd respondent on 28.12.2016 by considering the representation dated 06.02.2017.

3. It is stated that the above Earth Moving Machine (JCB) was seized by the 2nd respondent on 28.12.2016 on the allegation that the said vehicle was indulged in transporting sand without any valid bill or permission of the Government 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, it was 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 vehicle was seized as early as on 28.12.2016 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) before the 1st 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 vehicle Earth Moving Machine (JCB) 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 vehicle Earth Moving Machine (JCB), the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicle Earth Moving Machine (JCB), for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the 1st 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.
2. The Sub-Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

+1cc to Mr.G. Punniyakotti, Advocate, S.R.No.23601

NR II (CO)
md(20/04/2017)

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