

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5767 of 2017
and
W.M.P.No.6165 of 2017

A.Ramachandiran

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Kallakurchi,
Villupuram District.
2. The Tahsildar,
Sangarapuram,
Villupuram District.
3. The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi Taluk,
Villupuram District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representations dated 06.01.2017 and 27.02.2017 for release of the tractor with trailer and Tipper-bearing Registration No.TN 32 S 3305 Chassis No.2887, Engine No.4244 which was seized by the 2nd respondent on 24.12.2016 as the seizure falls outside the purview of Tamil Nadu Minor Minerals Concession Rules 1959 with in a time frame fixed by this Honourable Court.

For Petitioner: Mr.E.Vijay Anand

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 respondents to consider the representations dated 06.01.2017 and 27.12.2017 for release of tractor with trailer and tipper bearing Registration No.TN 32 S 3305.

3. It is stated that the above vehicle along with the trailer and tipper was seized by the 2nd respondent on 24.12.2016 on the allegation that the said vehicle was 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, 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 24.12.2016 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 with trailer and tipper 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 with trailer and tipper, the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicle with trailer and tipper 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(CO)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.
2. The Tahsildar,
Sangarapuram,
Villupuram District.
3. The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi Taluk,
Villupuram District.

+1cc to M/s. E. Vijay Anand, Advocate, S.R.No.15011
+1cc to the Government Pleader, S.R.No.15287

NR(CO)
Eu 21.03.17

W.P.No.5767 of 2017

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