

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER
W.P.No.3088 of 2017

T.Narasiyappan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Madhuranthagam,
Kancheepuram District.

2.The Tahsildar,
Madhuranthagam Taluk,
Kancheepuram District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus directing the respondents to release the lorry bearing Registration No.TN 20 AB 3333 which was seized by the 2nd respondent on 29.01.2017 and thereby consider the representation dated 30.01.2017.

For Petitioner : Mr.D.Raja
For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

1. Issue notice. Mr.Akhil Akbar Ali, accepts notice on behalf of the respondents. With the consent of counsel for parties, the Writ Petition is taken up for hearing and final disposal.

2.The prayer sought for in the Writ Petition is that a direction be issued to the respondents to release the petitioner's vehicle bearing Registration No.TN 20 AB 3333. A further direction is sought by the petitioner for consideration of his representation dated 30.01.2017.

2.3 The averments in the Writ Petition show that the aforementioned vehicle of the petitioner was seized on 29.01.2017, on account of a charge levelled against him that he was transporting sand without any valid bill or permission of the Government.

2.4 The petitioner, on the other hand, claims that the sand was being transported by him for his personal use. The petitioner claims that the sand being transported was required for agricultural purposes. Thus, the case of the petitioner is

that since, the sand, which was being transported, was meant for personal use, it would not come within the purview of Tamil Nadu Minor Mineral Concession Rules, 1959 (in short the '1959 Rules'). In this behalf, the petitioner seeks to place reliance upon Rule 6 of the 1959 Rules.

2.5 The petitioner further states that respondent No.1 has passed no orders on the representation dated 30.01.2017, made in this behalf.

3. Having regard to the fact that the representation dated 30.01.2017 is pending consideration of respondent no.1, I am inclined to dispose of the Writ Petition with the following directions, for the reason that continued detention of the subject vehicle is serving no purpose :

(i) Respondent no.1 will release the aforementioned vehicle to the petitioner, upon an undertaking being submitted by way of an affidavit, that, the subject vehicle will be produced, as and when required.

(ii) The release of the vehicle will not come in the way of the respondents prosecuting the petitioner, if they are inclined to do so in respect of the alleged infraction(s).

4. The Writ Petition is disposed of with the aforementioned direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Revenue Divisional Officer,
Madhuranthagam,
Kancheepuram District.
2. The Tahsildar,
Madhuranthagam Taluk,
Kancheepuram District.

+1 cc to Mr.G.Punniyakotti Advocate sr 7913
+1 cc to the Government Pleader sr 8308

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