

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.2.2017.

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4805 of 2017

C.Thirumalai

Petitioner

vs.

1. The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.
2. The Tahsildar,
Vembakkam Taluk, Thiruvannamalai District. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to release the Tractor with Trailer bearing Registration No.TN25AZ 3121 which was seized by the 2nd respondent on 08.09.2016 and thereby consider the representation dated 24.01.2017.

For Petitioner : Mr.G.Punniakoti

For Respondents: Mr.Akhil Akbar Ali, Govt. Advocate (T)

ORDER

Mr.Akhil Akbar Ali, learned Government Advocate accepts notice on behalf of the respondents. With the consent of counsel for the parties, the writ petition is taken up for hearing and final disposal.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to release the Tractor with Trailer bearing Registration No.TN25AZ 3121 which was seized by the 2nd respondent on 08.09.2016 and thereby consider the representation dated 24.01.2017.

3. It appears that the vehicle of the petitioner was seized on 8.9.2016, on account of a charge levelled against him that he was transporting sand without any valid bill or permission of the Government.

4. The petitioner, on the other hand, claims that the sand was being transported by him for his personal use and it was

required for agricultural purposes and therefore, it would not come within the purview of Tamil Nadu Minor Mineral Concession Rules, 1959. In this regard, the petitioner seeks to place reliance upon Rule 6 of the said Rules.

5. The petitioner further contends that he had submitted a representation dated 24.1.2017, in this regard, to the first respondent and since no order has been passed on such representation, he is constrained to file the present writ petition. According to the learned counsel for the petitioner, the vehicle is kept in open weather, by which, the same is getting damaged.

6. Having regard to the fact that the representation dated 24.1.2017 is pending consideration of the first respondent, this court is inclined to dispose of the writ petition with the following direction, since there will not be any purpose in detaining the subject vehicle for a longer period:-

(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash with the first respondent.

(ii) The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question.

(iii) The petitioner shall file an undertaking that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within two days.

(v) The respondent shall proceed with the enquiry and pass appropriate orders. The petitioner is also directed to appear and co-operate with the enquiry.

(vi) This order for release of the vehicle can be availed of by the petitioner if no criminal case is pending. If any criminal case is pending, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

7. The writ petition is disposed of with the aforementioned directions. No costs.

Sd/-

Asst.Registrar

/true copy/

ssk

Sub Asst. Registrar

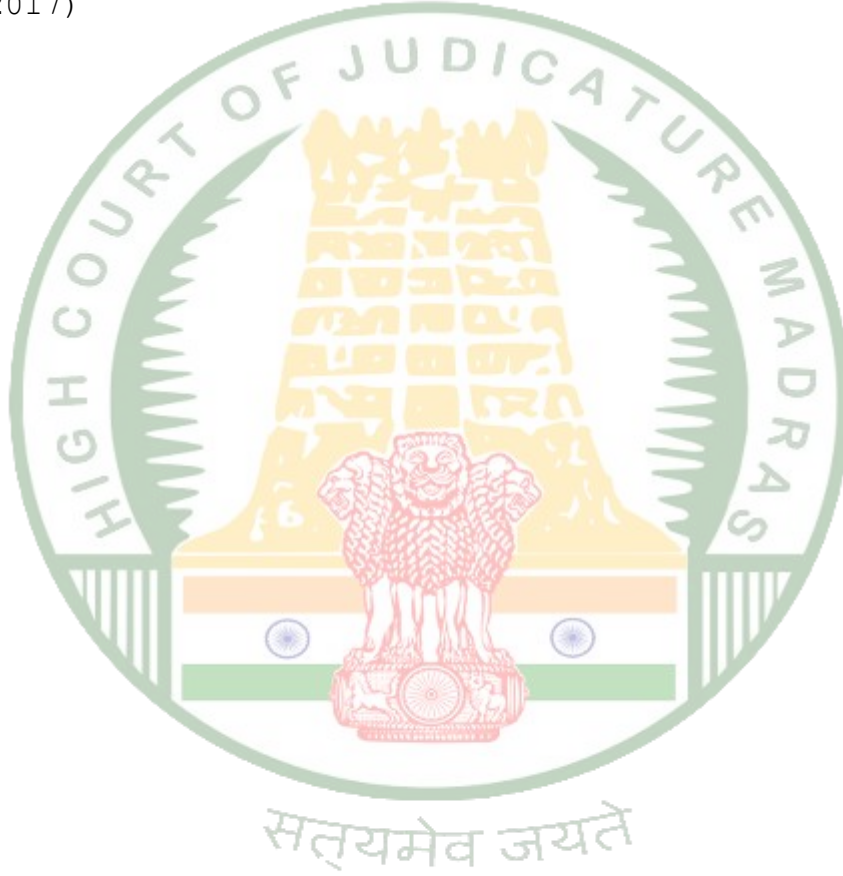
To

1. The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.
2. The Tahsildar,
Vembakkam Taluk, Thiruvannamalai District.

+1cc to Mr.G.Punniyakotti,Advocate sr.12292

W.P.No.4805 of 2017

scd(co)
ss(28/02/2017)



WEB COPY