

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.32143 of 2017

P.Balamurugan

.. Petitioner

Vs.

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

2. The Assistant Director,
Geology & Mines,
Kancheepuram District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to release forthwith to the petitioner his Tipper lorry bearing registration No.TN 04 AB 6271 on the basis of the petitioner representation dated 01.11.2017.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.P.Senthilvel,
Government Advocate.

O R D E R

Mr.P.Senthilvel, 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 herein to Tipper lorry bearing registration No.TN 04 AB 6271 on the basis of the petitioner representation dated 01.11.2017.

3. It is stated that the above vehicle was seized by the respondents 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 by the respondents 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 first 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 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, the respondents shall release the same forthwith.

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

(e) It is open to the first 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. The petitioner should also co-operate with the said proceedings initiated by the respondents without dragging the matter.

(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.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, 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.

The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.
2. The Assistant Director,
Geology & Mines,
Kancheepuram District.

+1cc to Mr.G.Mageshkumar, Advocate SR.No.88318
+1cc to Government Pleader SR.No.88790

sm:18.12.2017

W.P.No.32143 of 2017

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