

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.13172 of 2017

R.Jayapal

... Petitioner

Vs

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondent to release the Tipper Lorry bearing Registration No.TN-23-C-9180 seized by the Tahsildar, Vembakkam, Thiruvannamalai District, on 11.03.2017 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.Diwakar
Special Government Pleader

ORDER

Mr.S.Diwakar, learned Special Government Pleader, takes notice for the respondent. 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 respondent to release the Tipper Lorry bearing Registration No.TN-23-C-9180 seized by the Tahsildar, Vembakkam, Thiruvannamalai District, on 11.03.2017 to the petitioner.

3. It is stated that the above said vehicle was seized by the Tahsildar, Vembakkam, Thiruvannamalai District, on 11.03.2017 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 purchase as second sale for construction work. 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 11.03.2017 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 only) before the 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 Tipper Lorry 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 Tipper Lorry, the respondent shall release the same forthwith.

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

e) It is open to the 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.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

raa/sai

To

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.38022

W.P.No.13172 of 2017

RJ (CO)

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CA (30/03/2017)