

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.13393 of 2017

D.Sathish Kumar

... Petitioner

Vs

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

2.The Tahsildar,
Madhuranthagam Taluk,
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents to release the Tipper Lorry bearing Registration No.TN 21 H 5694 seized by 2nd respondent on 15.05.2017 to the petitioner.

For Petitioner :Mr.G.Punniakoti

For Respondents :Mr.R.Venkatesh
Government Advocate

ORDER

Mr.R.Venkatesh, 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 release the Tipper Lorry bearing Registration No.TN 21 H 5694 seized by 2nd respondent on 15.05.2017 to the petitioner.

3. It is stated that the above said vehicle was seized by the 2nd respondent on 15.05.2017 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 he is the owner of the above said Tipper Lorry and apart from that he has nothing to do with the above said case. 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 15.05.2017 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

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

2.The Tahsildar,
Madhuranthagam Taluk,
Kancheepuram District.

+1cc to Mr.G.Punniyakotti, Advocate Sr.37908

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SRG 30/05/2017



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