

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

Writ Petition No.15177 of 2017

V.Rajasekar

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Cuddalore Revenue Division,
Cuddalore, Cuddalore District.

2. The Sub-Inspector of Police,
Muthandikuppam Police Station,
Muthandikuppam, Cuddalore District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to release the bullock cart by considering the representation of the petitioner dated 06.06.2017 which was seized on 01.06.2017 by the second respondent herein.

For Petitioner : Mr.V.Neethi Durai

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

Mr.M.Elumalai, 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 first respondent to release the bullock cart by considering his representation dated 06.06.2017 which was seized on 01.06.2017 by the second respondent herein.

3. It is submitted by the learned counsel for the petitioner that the Sub-Inspector of Police, Muthandikuppam Police Station/second respondent herein had intercepted the petitioner's bullock cart on 01.06.2017 alleging that the same was indulged in transporting sand in violation of certain

provisions under the Tamil Nadu Minor Minerals Concession Rules, 1959. According to the petitioner, there was no such violation and on the other hand, the bullock cart 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 bullock cart was seized as early as on 01.06.2017 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.70/- (Rupees seventy only), before the respondents 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 bullock cart 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 bullock cart, the respondents shall release the same forthwith.

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

(e) It is open to the respondents 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/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

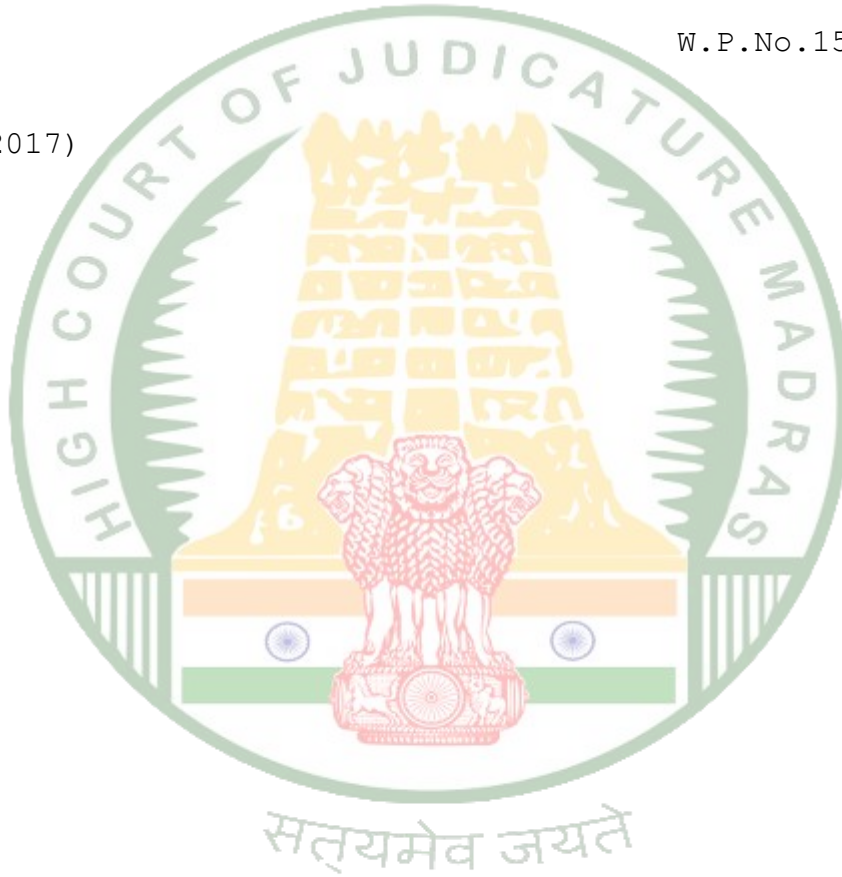
To

1. The Revenue Divisional Officer,
Cuddalore Revenue Division,
Cuddalore, Cuddalore District.
2. The Sub-Inspector of Police,
Muthandikuppam Police Station,
Muthandikuppam, Cuddalore District.

+1cc Mr.V.Neethidurai, Advocate in Sr.No.42617

W.P.No.15177 of 2017

SCD(CO)
NR(16/06/2017)



WEB COPY