

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.1694 of 2017
and
W.M.P.No.1663 of 2017

R.Ayyasami

... Petitioner

Vs.

1. Assistant Director,
Government of Tamil Nadu,
Geology and Mining,
Chennai.
2. The Inspector of Police,
Chengalpet Town Police Station,
Chengalpet.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Chengalpet.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Certiorarified Mandamus, to call for the impugned seizure magazar of the first respondent, dated 06.01.2017, effecting the seizure of the Lorry bearing and Regd. No.TN 12 M 3961 to quash the same and consequently direct the respondent to release the goods carrier the lorry bearing Regd.No.TN 12 M 3961 kept under the custody of the Inspector of Police, Chengalpet Town Police Station.

For Petitioner : Mr.F.Camilus Selva

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate.

O R D E R

Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner is aggrieved against the proceedings dated 06.01.2017, which is nothing but a seizure Magazar. The

petitioner's vehicle was seized on 06.07.2017, on an allegation that the said vehicle bearing Registration No. TN12 M 3961, transported some minerals without permit/ transit permit. In the very same Magazar, it is stated that the petitioner has to appear before the third respondent for conducting an enquiry. Therefore, it is for the petitioner to appear before the third respondent and satisfy him, as to how the seizure is bad and not in accordance with law. At this stage, this Court is not inclined to go into the merits of the contentions raised by the petitioner in this writ petition.

3. However, considering the fact that the vehicle was seized as early as on 06.01.2017 and the same is kept in the custody of the respondents all these days thereby exposing the same to sun and rain, resulting the diminishing of its value, I am of the view that the vehicle can be released subject to certain conditions, so that the interest of both parties can be protected, pending order to be passed under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959.

4. Accordingly, this writ petition is disposed of by passing the following order:

(i) The petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the third respondent within a period of seven days from the date of receipt of a copy of the order. The petitioner should also produce the documents in proof of the ownership of the vehicle as well as the goods transport permit.

(ii) On receipt of such payment and also on being satisfied with the ownership of the vehicle, the third respondent shall release the vehicle bearing Registration No. TN12 M 3961 forthwith.

(iii) The petitioner shall not encumber or alienate the vehicle till the final order is passed by the third respondent under Rule 36(A) of the Tamil Nadu Minor Mineral Concession Rules, 1959.

(iv) The third respondent shall give an opportunity of hearing to the petitioner and thereafter pass an order under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 within a period of three months from the date of receipt of copy of this order.

(v) If no such order is passed by the third respondent, the amount deposited by the petitioner shall be refunded to him.

No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Chennai - 600 001.
2. The Sub Collector,
Thondiyar Pettai Sub-Division,
Chennai - 600 081.
3. The Tahsildar,
Ayanavaram, Chennai - 600 023.

+1 CC to S. Xavier Felix, Advocate sr 17502

+1 CC to Govt. Pleader sr 17965

Writ Petition No.1694 of 2017

MPI (CO)
sp/23/3

WEB COPY