

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.29687 of 2017
and
WMP.No.32010 of 2017

P.Annadurai
S/o.Periannan

.. Petitioner

Vs.

1.The District Collector
Office of the District Collector of Salem
Salem District.

2.The Tahsildar
Omalur, Krishnagiri District.

3.The Assistant Director (Geology & Mining)
Collectorate
Salem District - 636 001.

4.The Special Revenue Inspector (Mines)
Omalur, Krishnagiri District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to release the vehicle viz., Mahindra Torro Lorry bearing Registration No.TN 24 AA 6643 and more particularly described in the schedule to the petition on such terms as this Hon'ble Court may deem fit.

SCHEDULE

Mahindra Torro Lorry, Diesel Engine of the year 01/2014, bearing Registration No. TN 24 AA 6643 with Engine No.BA14ZA0261 and Chassis No.MESQDAHHC6A48283.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.K.J.Sivakumar

Government Advocate for R1 to R3

O R D E R

Mr.K.J.Sivakumar, learned Government Advocate takes notice for the respondents 1 to 3. 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 Mahindra Torro Lorry bearing Registration No.TN 24 AA 6643, seized by the second respondent on 23.09.2017.

3. It is stated that the above vehicle was seized by the second respondent on 23.09.2017 on the allegation that the said vehicle was indulged in transporting boulders illegally. It is also stated that a penalty of Rs.6,25,663/- has been levied under the provisions of the Tamil Nadu Minor Minerals Concession Rules, 1959, against which, the petitioner is filing appeal before the concerned authority. 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 23.09.2017 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) 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 vehicle alone forthwith. The detained goods shall not be released to the petitioner.

(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.

(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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector
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Salem District.
- 2.The Tahsildar
Omalur, Krishnagiri District.
- 3.The Assistant Director (Geology & Mining)
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Salem District - 636 001.
- 4.The Special Revenue Inspector (Mines)
Omalur, Krishnagiri District.

+2cc to Mr.Prakash Goklaney, Advocate, S.R.No.82266
+1cc to the Government Pleader, S.R.No.87436

W.P.No.29687 of 2017

GJII(CO)
GN(21/11/2017)