

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.29830 of 2017

D.Azhagesan
S/o.Duraikannu

.. Petitioner

Vs.

1.The Revenue Divisional Officer
Chengalpattu
Kancheepuram District.

2.The Assistant Director
Geology and Mines Department
Kancheepuram
Kancheepuram District.

... Respondents

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 Tipper Lorry bearing Registration No.TN 32 AC 9968 which was seized by the 2nd respondent on 27.10.2017 and thereby consider the representation dated 30.10.2017.

For Petitioner: Mr.G.Punniakoti

For Respondents: Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader 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 32 AC 9968, seized by the second respondent on 27.10.2017.

3. It is stated that the above vehicle was seized by the second respondent on 27.10.2017 on the allegation that the said vehicle was indulged in transporting sand 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 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 vehicle was

seized as early as on 27.10.2017 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 same forthwith.

(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.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

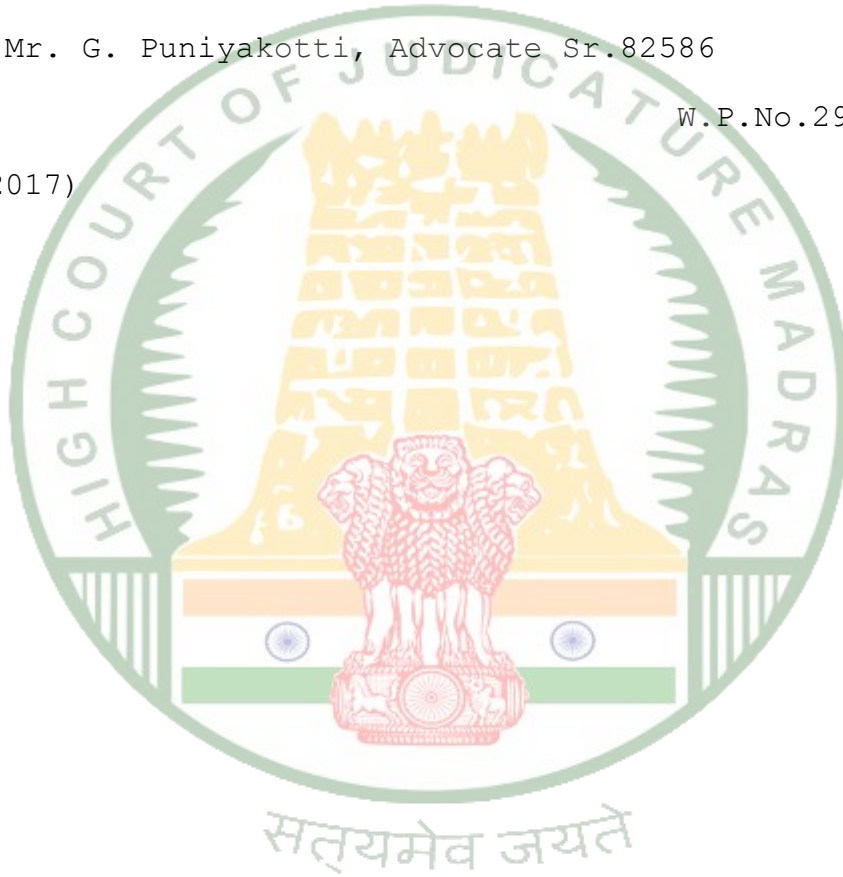
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+ 1 cc to Mr. G. Puniyakotti, Advocate Sr.82586

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