



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.9607 of 2017

and

W.M.P(MD)Nos.7338 and 7339 of 2017

S.Anand

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Periyakulam, Theni District.

3.The Assistant Director,
O/o.Assistant Director,
Department of Geology and Mines,
District Collectorate Complex,
Theni.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.3/Kanimam/2017, dated 10.04.2017 on the file of the third respondent and quash the same as illegal and consequently for the direction directing the respondents to release the petitioner's vehicle, namely, Tractor bearing Registration No.TN-49-M-3547 with rough stone (Udaikal) within the time period stipulated by this Court.

For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.S.Kumar,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order in Na.Ka.3/Kanimam/2017, dated 10.04.2017, on the file of the third respondent and direct the respondents to release the petitioner's vehicle, namely, Tractor bearing Registration No.TN-49-M-3547 with rough stone (Udaikal).



2.The petitioner averred among the other things that he is the owner of the vehicle in question. On 05.11.2016, the second respondent seized the vehicle on the ground of violation of rules. After getting a false statement from his driver as if he has loaded the stones on second time and failed to mention the time in the receipt, the third respondent passed an order dated 07.11.2016, directing the second respondent to take action against the petitioner and collect fine amount from him. Against the said order, the petitioner filed W.P(MD)No.23517 of 2016 before this Court, wherein this Court, directed the respondents 2 and 3 to pass final order within a period of two weeks after giving due opportunity to the petitioner. On 28.02.2017, the second respondent passed a final order directing him to pay a sum of Rs.27,874/-, against which, he preferred an appeal before the first respondent. In the meanwhile, the third respondent, on 10.04.2017, passed the impugned order, stating that his appeal was rejected and he has to pay the said fine amount. Hence, he has come up with this writ petition seeking the aforesaid prayer.

3.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

4.When the matter is taken up for hearing on 24.05.2017, this Court directed to release the vehicle in question, subject to deposit a sum of of Rs.25,000/- to the credit of the impugned order in Na.Ka.3/Kanimam/2017, dated 10.04.2017, on the file of the third respondent. As directed by this Court, the said amount had already been deposited and the vehicle of the petitioner has been released. Hence, nothing survives for adjudication in this writ petition and accordingly, the writ petition is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Theni District.



3.The Assistant Director,
O/o.Assistant Director,
Department of Geology and Mines,
District Collectorate Complex,
Theni.

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+1cc to Special Government Pleader, SR.No. 64536

ORDER MADE IN
W.P (MD) No.9607 of 2017
and
W.M.P (MD) Nos.7338 and 7339 of 2017
07.07.2017

smn

JM/SKN RSK/SAR 3/18.07.2017/3P/5C