

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.02.2018

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.3046 of 2018

Nataraj

... Petitioner

Vs.

1. The District Collector,
Villupuram District.
2. The Sub-Collector,
Tindivanam,
Villupuram District.
3. The Tahsildar,
Marakkanam Taluk,
Villupuram District.

... Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents particularly the 3rd respondent to release the bullock card of the petitioner and others which was confiscated on 18.09.2017 referring the petitioner's representation dated 26.12.2017.

For Petitioner : Mr.G.Mohammed Aseef
For Respondents : Mr.R.Govindasamy,
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for release of bullock cart which was confiscated on 18.09.2017.

3. Heard both sides.

4. The petitioner earlier filed a suit in O.S.No.251/2017 on the file of the Principal District Munsif Court, Tindiavan, seeking for the very same relief. Though an interim order was granted pending disposal of the suit in favour of the petitioner directing the respondents to release the bullock cart, in a Civil Revision Petition filed before this Court in CRP.NPD.No.4698/2017 by the official respondents, an objection was raised that the suit is not maintainable against the action taken under the Tamil Nadu Minor Mineral Concession Rules. Therefore, the petitioner sought permission to withdraw the said suit and make a representation before the respondents for release of the bullock cart. Accordingly, the petitioner withdrew the said suit and made a representation for release of the said Bullock cart on 26.12.2017. It is stated that the said representation has not been considered so far.

5. Learned counsel appearing for the petitioner submitted that the petitioner has not indulged in any unlawful activities and on the other hand, he has conducted himself only in accordance with law. He further submitted that though the bullock cart was seized as early as on 18.09.2017, till this date, the respondents have not passed any orders so far.

6. Considering the above stated facts and circumstances, the respondents are directed to release the bullock cart to the petitioner, subject to the following conditions.

(a) The petitioner shall pay a sum of Rs.2,500/- (Rupees Two Thousand five hundred only) without prejudice to his contention to be raised, if an order is to be passed by the respondents against the petitioner in pursuant to the seizure.

(b) The petitioner shall file an affidavit before the respondents in proof of his ownership.

(c) The respondents shall pass final order in pursuant to the confiscation, within a period of four weeks from the date of receipt of a copy of this order.

(d) If no final order is passed within such time, the petitioner is entitled to get back the amount paid by him as directed in this order. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi

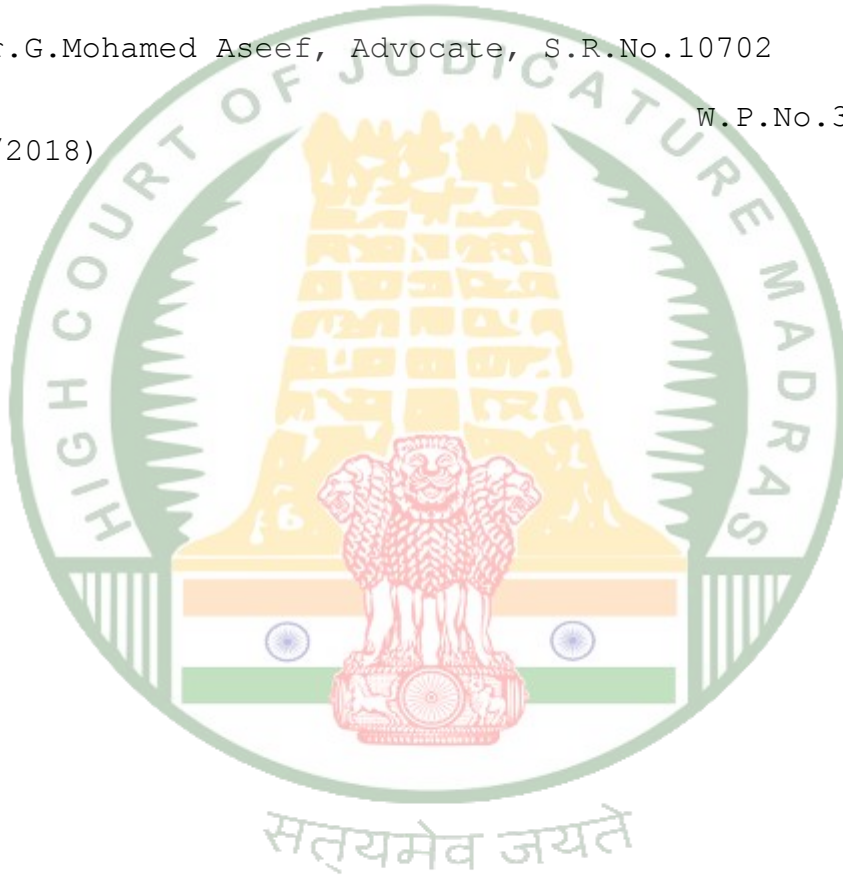
To

1. The District Collector,
Villupuram District.
2. The sub-Collector,
Tindivanam, Villupuram District.
3. The Tahsildar,
Marakkanam Taluk,
Villupuram District.

+1cc to Mr.G.Mohamed Aseef, Advocate, S.R.No.10702

W.P.No.3046 of 2018

RRK(14/02/2018)



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