

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKEVALU

W.P.No.20142 of 2004

and

WPMP Nos.24231, 24232 and 27085 of 2004

B.Venkatesh

...Petitioner

vs

1.The District Collector,
Collector's Office,
Mines and Minerals,
Dindigul District,
Dindigul.

2.The Assistant Director of
Geology and Mining,
Dindigul.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records of the first respondent in his proceedings Na.Ka.No.740/04-2/mineral and quash the impugned order dated 8.7.2004.

For petitioner : Mr.B.Raveendran
for Mr.Chandran Karuppiah

For Respondents: Mr.K.S.Suresh,
Government Advocate

सत्यमेव जयते
O R D E R

The petitioner is an exporter of granite blocks. During the course of his business, four loads of granites were transported from quarrying site at Thangayur village, Edapalli Taluk, Salem District to Tuticorin by lorry in order to honour an export order. The lorries were intercepted by the Assistant Director of Geology and Mining, Dindigul with other officials on 21.06.2004 on the ground that there was some variation in measurement in the granite blocks and the lorries were detained along with granite blocks. A show cause notice dated 25.06.2004 was issued to the petitioner, to which he submitted an explanation dated 05.07.2004. The first respondent/District Collector, Dindigul, being not satisfied with the same, by order

dated 08.07.2004, directed the petitioner to pay a sum of Rs.5,67,324/-. Questioning the said order, the petitioner has approached this Court by way of the present writ petition. This Court passed an interim order dated 14.07.2004 in WPMP No.24232 of 2004 in this writ petition, which reads as follows:-

"This WPMP is disposed of on the following lines:-

"The first respondent is directed to release the vehicle bearing Regn. No.KA-19-A-8014 to the petitioner forthwith on condition that the petitioner executes a personal bond for a sum of Rs.5 lakhs (Rupees five lakhs only) in favour of the first respondent and files an affidavit of undertaking that he will produce the said vehicle before him as and when called for".

The earlier orders passed would stand explained as hereunder:-

"In addition to the release of vehicle/vehicles already involved the second respondent is directed to return the mineral namely granite found loaded in those vehicle/vehicles forthwith on condition that the petitioner deposits consolidated sum of Rs.5,00,000/- (Rupees five lakhs only) in all the four cases." "

2. Aggrieved against the said order, the respondent had preferred an appeal in W.A.No.3435 of 2004 before the Division Bench of this Court, which came to be disposed of on 15.09.2004 holding as follows:-

"The state is the appellant in this writ appeal. The challenge is to the clarificatory interim order passed by the learned Judge. By virtue of the said order, the appellant was directed to release the respondent's vehicle bearing Registration No.KA 19A 8014 to the respondent subject to the condition that the respondent executes a personal bond for a sum of Rs.5 lakhs and also by filing an affidavit of undertaking that he will produce the said vehicle before the appellant as and when called for, which order was modified by adding a further condition that the appellant should release the mineral also, which is loaded in the above said vehicle, subject to the condition that the respondent deposits a consolidated sum of Rs.5 lakhs.

2.On a perusal of the order that was impugned in the writ petition before the learned Single Judge, we

find that the total liability by way of penalty imposed by the appellant itself is Rs.5,67,324/-. Therefore, at best, we can only ensure the payment of the balance amount of Rs.67,324/-. We do not find any further necessity to interfere with the order impugned in this writ appeal. We accordingly, dispose of the writ appeal by directing the respondent to deposit the further sum of Rs.67,324/- within two weeks from the date of receipt of a copy of this order without prejudice to his rights and on such deposit being made, the appellant shall release the minerals as well along with the vehicle/vehicles as per the direction of the learned Judge. No costs. Consequently W.A.M.P.No.6440 of 2004 is closed."

3. In the counter affidavit dated 07.04.2005 filed by the respondents in this writ petition, it has been stated that in pursuance of the order passed by this Court, the petitioner has remitted the entire amount of Rs.5,67,324/- imposed by the Collector and the vehicle has been released to the petitioner on 21.07.2005. It is further accepted by the learned counsel for both sides that in view of the aforesaid subsequent developments, nothing remains for consideration in the matter. Recording the same, the writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vri

To

1.The District Collector,
Collector's Office,
Mines and Minerals,
Dindigul District,
Dindigul.

2.The Assistant Director of
Geology and Mining, Dindigul

+1cc to Mr.B.Raveendran, Advocate Sr.No.45098

+1cc to Government Pleader Sr.No.45366

sm:23.7.2018

W.P.No.20142 of 2004