



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2018

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CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)Nos. 200 to 205 of 2018
and
C.M.P(MD)Nos.1076 to 1086 of 2018
against
WP(MD)Nos.21683 to 21688 of 2017

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Assistant Director of Geology and Mines,
Nagercoil,
Kanyakumari District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
4. The Inspector of Police,
Arlvoimozhi Police Station,
Kanyakumari District. : Appellants in all the writ
appeals

Vs.

- | | |
|-----------------|--|
| 1.S.M.Kamaraj | : Respondent in W.A(MD).Nos.200 & 201/2018 |
| 2.A.Yesumariyan | : Respondent in W.A(MD).No.202 of 2018 |
| 3.Y.Jegan Lal | : Respondent in W.A(MD).No.203 of 2018 |
| 4.R.Rajesh | : Respondent in W.A(MD).No.204 of 2018 |
| 5.S.Suja | : Respondent in W.A(MD).No.205 of 2018 |



dated 13.12.2017 made in WP(MD).Nos.21683 to 21688 of 2017.

Prayer in WP(MD)No. 21683/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the Respondents to release the Petitioners vehicle Lorry bearing Registration No.TN74-V1150 within the time stipulated by this Hon'ble Court.

Prayer in WP(MD)No. 21684/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the Respondents to release the Petitioners vehicle Lorry bearing Registration No.TN74-V7654 within the time stipulated by this Hon'ble Court.

Prayer in WP(MD)No. 21685/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the Respondents to release the Petitioners vehicle Lorry bearing Registration No.TN74-K6442 within the time stipulated by this Hon'ble Court.

Prayer in WP(MD)No. 21686/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the Respondents to release the Petitioners vehicle Lorry bearing Registration No.TN20-BD3330 within the time stipulated by this Hon'ble Court.

Prayer in WP(MD)No. 21687/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the Respondents to release the Petitioners vehicle Lorry bearing Registration No.TN74-AB9306 within the time stipulated by this Hon'ble Court.

Prayer in WP(MD)No. 21688/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the Respondents to release the Petitioners vehicle Lorry bearing Registration No.KL-20-5050 within the time stipulated by this Hon'ble Court.

For Appellants

<https://hcservices.ecourts.gov.in/hcservices/>

: Mr.B.Pugalendhi

Additional Advocate General

Assisted by Mr.A.K.Baskara Pandian

Special Government Pleader



For Respondents : Mr.J.Ashok
(In all the writ appeals)

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JUDGMENT

[Judgment of the Court was delivered by M.SATHYANARAYANAN, J.]

All these writ appeals pertain to confiscation of lorries in which the imported sand which landed at Tuticorin Port, was transported. The respondents / writ petitioners, prayed for issuance of writs of Mandamus directing the appellants / official respondents to release their respective vehicles / lorries, by way of an interim custody and vide common order dated 13.12.2017, the vehicles were ordered to be released subject to stringent conditions and the appellants / official respondents aggrieved by the said order, came forward to file these writ appeals.

2.Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the appellants / official respondents in the writ petitions would submit that under the provisions of the Tamilnadu Prevention of Illegal Mining, Transportation, Storage of Minerals and Mineral Dealers Rules, 2011, unless the concerned dealers register and obtain necessary permit, they cannot transport the sand and that appeal provision is also provided under the said rules and therefore, the impugned order of releasing the vehicles, by way of interim custody subject to condition is un-sustainable and prays for interference.

3.Per contra Mr.J.Ashok, learned counsel appearing for the respondents / writ petitioners would submit that import of sand is not at all prohibited and necessary quarantine procedure have also been followed and only then the concerned port authorities, namely, Tuticorin Port officials released the sand which was transported and the said lorries have also been seized and since only interim custody of the vehicles has been granted, the appellants are also not put to any prejudice and prays for dismissal of these writ appeals.

4.This court considered the rival submissions and also perused the materials before it.

5.The fact remains that in pursuance to the impugned common order passed in the writ petitions, the vehicles were released in favour of the respondents / writ petitioners by way of interim custody and the imported sand, it was transported through the said vehicles. It is also submitted that the vehicles have also been seized and as such, the official respondents in the writ petition have not been put to any



inconvenience. It is also brought to the knowledge of this Court that the applicability of the above said Rules as to the imported sand is also under consideration before the Hon'ble Supreme Court of India in SLP(C).No.002831 of 2018 and such the rights of the respective parties as to the legal plea still remain at large.

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6. In the result, the Writ Appeals are dismissed confirming the order dated 13.12.2017. However, in the circumstance of the case, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 50189

RMK/MR

TE/SV-MMS/SAR-2 : 07/03/2018 : 4P/2C

JUDGMENT MADE IN
W.A(MD)Nos. 200 to 205 of 2018 and
C.M.P(MD)Nos.1076 to 1086 of 2018 against
WP(MD)Nos.21683 to 21688 of 2017
20.02.2018