



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.2905 of 2018

and

WMP(MD)No.3075 of 2018

P.Rajkumar

... Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Tuticorin, Tuticorin District.

2. The Revenue Divisional Officer,
Tuticorin, Tuticorin District.

3. The Joint Director,
Geological and Mining Department,
Madurai Division,
Madurai.

... Respondents

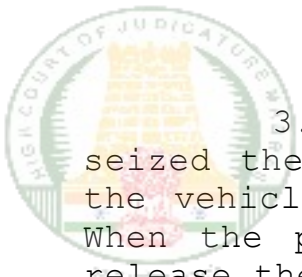
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 3rd respondent dated 27.01.2018 in Na.Ka.No.5/2016 Mines and set aside the same as illegal and consequently directing the respondents 2 and 3 to release the vehicle of the Petitioner namely Tipper Lorry bearing Regn No.TN28 AP1037.

For Petitioner	: Mr.S.Senthil Sankaranathakumar
For Respondents	: Mr.P.Kannithevan Additional Government Pleader

ORDER

This writ petition has been filed seeking to set aside the order passed by the third respondent in Na.Ka.No.5/2016 Mines dated 27.01.2018 and consequently direct the respondents 2 and 3 to release the vehicle of the petitioner namely Tipper Lorry bearing Regn No.TN28 AP1037.

2.Heard Mr.S.Senthil Sankaranathakumar, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents.



3. According to the petitioner, the third respondent has seized the vehicle in question on 27.01.2018 on the ground that the vehicle did not have trip sheet to transport 'sakkai' mines. When the petitioner approached the respondents, they refused to release the vehicle. Hence, this writ petition has been filed.

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4. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents submitted that the vehicle in question was used for transportation of 'sakkai' mines without any valid permit and hence it was seized.

5. In any event, as the vehicle is under the custody of the respondents from 27.01.2018 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

6. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days from the date of receipt of a copy of this order subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the respondents to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), before the second respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicle in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

7. This Writ petition is ordered accordingly. No costs. Consequently, WMP(MD)No.3075 of 2018 is closed.

Sd/-

Assistant Registrar(CO)

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

Sub Assistant Registrar



To

1. The District Collector,
Collectorate Office,
Tuticorin, Tuticorin District.

2. The Revenue Divisional Officer,
Tuticorin, Tuticorin District.

3. The Joint Director,
Geological and Mining Department,
Madurai Division, Madurai.

+1cc to Mr.S.Senthil Sankaranathakumar, Advocate, in SR No.48075
+1cc to Special Government Pleader in SR.No.48994

WP (MD) No.2905 of 2018
13.02.2018

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MKV-CM-SAR 2/19.2.2018/3P-6C