



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.05.2018
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P.(MD)No.10310 of 2018
and
W.M.P.(MD)No.9330 of 2018

R.Ramesh : Petitioner
Vs.

1.The Assistant Director of Mines & Minerals,
Mines and Minerals Department,
Sivagangai, Sivagangai District.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Personal Assistant to District
Collector, (Mines & Minerals),
O/o.the District Collector Office,
Sivagangai District, Sivagangai.

4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Devakottai, Sivagangai District.

5.The Tahsildar,
O/o.the Tahsildar Office,
Karaikudi, Sivagangai District.

6.Maheswaran

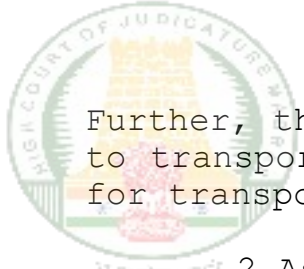
7.Naganathan : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 5th respondent to release the vehicles bearing Registration No.TN63.AQ 1155 and TN63.AS 1112 available with the 5th respondent within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
For R1 to R5 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

The learned counsel appearing for the petitioner states that the vehicles belonged to him were intercepted by the respondents and seized under the pretend that the vehicles carried river sand.



Further, the petitioner states that the petitioner used the vehicles to transport savadu sand and that the petitioner has got permission for transporting such material.

2.As a matter of fact, the petitioner also relied upon the proceedings of Sub Collector, Kumbakonam, dated 13.01.2018, where one of the vehicles, which was also then confiscated, was released earlier, after conducting enquiry and finding that the vehicle was transporting only savadu sand and not river sand or any other material. Since the petitioner has obtained valid permission for transporting savadu sand, his contention is that the confiscation of vehicles is unwarranted. Further, it is stated that the vehicles have been confiscated with the materials.

3.In such circumstances, the learned counsel appearing for the petitioner insisted that the writ petition may be disposed of with a direction to the fourth respondent to complete the enquiry, within the stipulated time and forward the same to the 5th respondent so that the 5th respondent may release the vehicles and pass appropriate orders.

4.Having regard to the facts and circumstances and the nature of submissions made by the learned counsel appearing for the petitioner and also hearing the learned Additional Government Pleader appearing for the respondents 1 to 5, this Court is inclined to pass the following order:-

"The fourth respondent is directed to complete the enquiry and pass final orders on the subject for which the petitioner's vehicles were confiscated."

5.In case, the petitioner has valid permit to use the vehicles for transporting savadu sand, the fourth respondent shall pass appropriate orders on merits and in accordance with law and thereafter, the fifth respondent shall release the vehicles, in case, the petitioner's vehicles are not involved in any activity prohibited under the Tamil Nadu Mines and Minerals (Development & Regulation) Act, 1957. Such an exercise shall be completed by the fourth respondent, within a period of 10 days from the date of receipt of a copy of this order.

6.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar



To

1.The Assistant Director of Mines & Minerals,
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Sivagangai, Sivagangai District.

2.The District Collector,
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Sivagangai.

3.The Personal Assistant to District
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4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Devakottai, Sivagangai District.

5.The Tahsildar,
O/o.the Tahsildar Office,
Karaikudi, Sivagangai District.

+1cc to Special Government Pleader, SR.No. 65153

+1cc to M/S.Ajmal Associates, Advocate SR.No. 65085

W.P. (MD) No.10310 of 2018
03.05.2018

myr

JM/JC/SAR 2/04.05.2018/3P/8C