

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**W.P(MD)No.23582 of 2018**

Sathappan, S/o.Periyakaruppan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Director,
Mines and Minerals Department,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

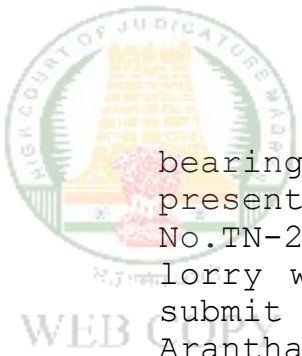
Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the vehicle (Tipper Lorry) bearing Registration No.TN-20-AW-1297 to the petitioner forthwith.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mr.B.Bhagawathi
Government Advocate**ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to release the vehicle (Tipper Lorry) bearing Registration No.TN-20-AW-1297 to the petitioner forthwith.

2.The petitioner in Paragraph No.2 of the affidavit has
<https://hcservices.ecourts.gov.in/hcservices/>
stated as follows:-



''2.I submit that I having vehicle Tipper Lorry bearing Registration No.TN-20-AW-1297. I submit that at present I am being owner of Tipper Lorry bearing Registration No.TN-20-AW-1297. I submit that on 16.06.2018 my tipper lorry was transiting sand from private land for myself. I submit that on 16.06.2018 my driver had taken the vehicle to Aranthangi and have loaded the sand and while carrying the said sand, vehicle was stopped by the fourth respondent herein and few other officials and directed my driver to furnish the permit for transiting sand. At the time of verification my driver had produced copy of R.C. Book, Insurance, Vehicle Fitness Certificate, Permit. It was found that without proper permit for transiting sand, hence, 4th respondent herein had seized the vehicle and kept the vehicle under his custody.''

3.The learned counsel appearing for the petitioner submitted that he has inadvertently mentioned the date of seizure as 16.06.2018 and the same can be rectified.

4.The said lorry was seized by the respondents on 16.06.2018 and was kept in the Tahsildar's Office. The petitioner has already filed W.P.(MD)No.13192 of 2018 before this Court and this Court vide order dated 21.06.2018, directed the petitioner to pay Rs.50,000/- as fine and issued a direction to the respondents to release the lorry. After receipt of the said order dated 21.06.2018, the petitioner has paid the said amount vide SBI Challan dated 20.07.2018. Thereafter, the Assistant Collector released the vehicle and the petitioner has also acknowledged the same on 25.07.2018 by signing in the said proceedings. Again, on 11.09.2018 the same vehicle was involved in the very same offence and the same has been seized by the authorities.

5.The petitioner in his affidavit has not even bothered to check the date of seizure, has field the same affidavit, which has been field in the earlier writ petition.

6.The learned Government Advocate produced a copy of the proceedings of the Assistant Collector, Devakottai, dated 23.07.2018.

7.On perusal of the materials, it could be seen that the petitioner is a habitual offender by illegally transporting sand and the petitioner's case should not be considered at all.

8.It could be seen from the records that suppression of material facts wherein already this vehicle has been seized and the petitioner has already paid the fine amount have to be looked into and the conduct of the petitioner cannot be pardoned. This Court is of the view as the said vehicle is involved in the very same offence for second time, the respondents shall not release the said vehicle till the disposal of the criminal case. Hence, this Writ Petition



is dismissed with cost of Rs.10,000/- to be paid by the petitioner to the Chief Justice Relief Fund, Madras High Court, Chennai.

SD

ASSISTANT REGISTRAR (CS I)

TRUE COPY

WEB COPY

SUB ASSISTANT REGISTRAR (CS III)

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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Assistant Director,
Mines and Minerals Department,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 4.The Tahsildar, Thiruppathur Taluk,
Sivagangai District.

COPY TO: THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

1CC TO MR. A. ARUN PRASAD, ADVOCATE SR 97869
1CC TO THE SPL GOVERNMENT PLEADER SR 97585

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