

W.P.No.19123 of 2019

R.SUBBIAH,J
and
C.SARAVANAN, J

Today, the matter is listed under the caption “for being mentioned” at the instance of learned counsel for petitioner.

2. This Court, under order dated 05.07.2019, directed release of the subject vehicle on petitioner depositing a sum of Rs.10,000/- (Rupees Ten Thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit.

3. Learned counsel for petitioner submits that petitioner has already paid fine in a sum of Rs.26,870/- to the credit of District Mines and Minerals Foundation Trust and hence, the condition to deposit Rs.10,000/- towards non-refundable deposit may be deleted.

4. On the other hand, learned Special Government Pleader submits that the vehicle involved in this case is a heavy vehicle viz., Ashok Leyland Goods Vehicle bearing Registration No.TN-23-AC-5081 and river sand has been illegally transport in the said vehicle. Further, the petitioner is involved in one

previous case. In cases of heavy vehicles involving illegal transportation of river sand, this Court usually directs deposit of Rs.50,000/- as non-refundable deposit.

5. This Court has considered the rival submissions.

6. When the matter came up on 05.07.2019, it was represented that gravel sand was illegally transported in the subject vehicle and hence, this Court directed the petitioner to deposit a sum of Rs.10,000/- towards non-refundable deposit. However, today, learned Special Government Pleader, on instructions, submits that river sand was illegally transported in the subject vehicle. In such circumstances, this Court directs the Registry to carry out the following corrections in the order dated 05.07.2019 and issue fresh order copy:

(i) In paragraph Nos.3 and 4, the words “Gravel Sand” shall be replaced with “River Sand”.

(ii) In paragraph No.4, the words “no previous case” shall be replaced with “one previous case”.

(iii) Paragraph No.6(i) shall be replaced with the following:

Since the petitioner has one previous case and illegally transported river sand, petitioner shall deposit a sum of

Rs.75,000/- (Rupees Seventy Five Thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. Since the petitioner has already paid fine of Rs.26,870/-, petitioner is directed to deposit the balance sum i.e. 48,130/- (Rupees Forty Eight Thousand One Hundred and Thirty only). After receipt of the above said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.”

Petitioner shall comply with the above direction within a period of two weeks from today. In all other aspects, the earlier order shall prevail.

[R.P.S., J] [C.S.N., J]
27.08.2019

vsn

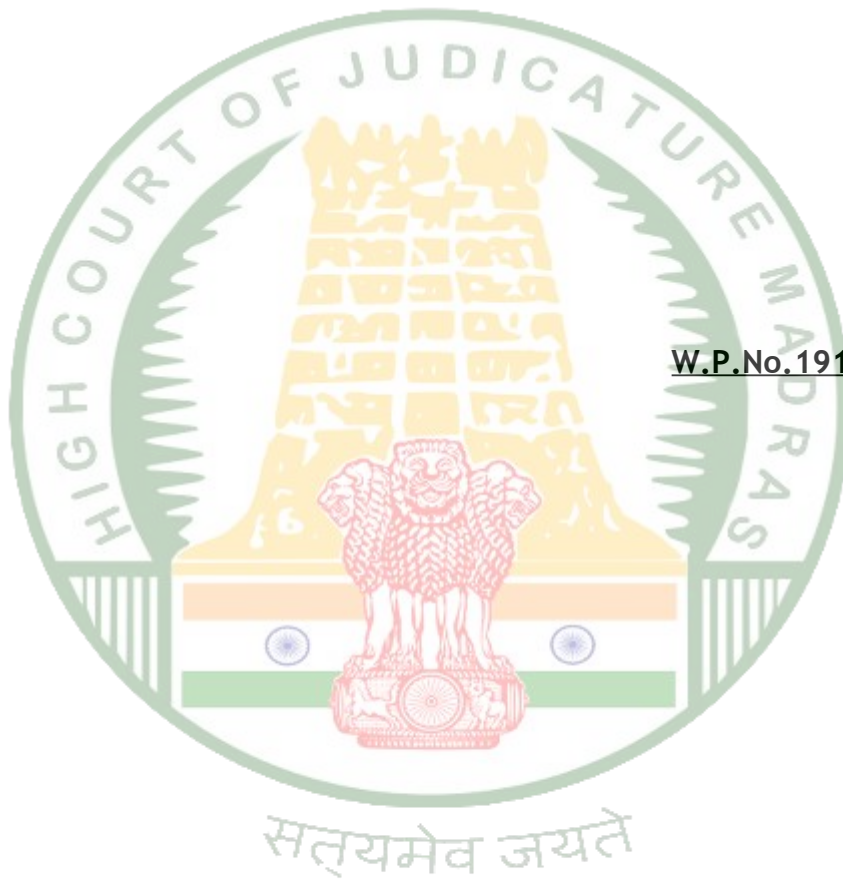
Note to office:

Issue order copy by 28.08.2019

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