



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM

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THE HONOURABLE DR.JUSTICE ANITA SUMANTHW.P(MD)No.15564 of 2019

Muthulakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Virudhunagar District.

2.The Assistant Director,
Department of Geology and Mining,
Virudhunagar District.

3.State rep. by
The Inspector of Police,
Vachakkarappatti Police Station,
Virudhunagar District
(Crime No.161 of 2019)

... Respondents

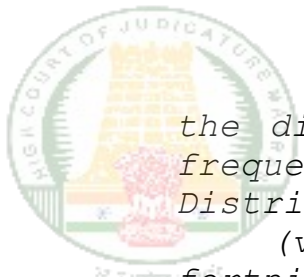
PRYAER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the first respondent to release the Petitioner's vehicle bearing Registration No. TN 67 AE 4368 Tipper Lorry seized on 31.05.2019 by the third respondent by considering the petitioner's representation dated 03.06.2019 within the time limit stipulated by this Court.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents : Mr.S.Angappan
Government Advocate

ORDER

The petitioner is the owner of a **Tipper Lorry** (in short 'vehicle') bearing Registration No.TN-67-AE-4368 and claims to use the same for agricultural purposes. He also states that he ekes his livelihood wholly from the income derived from the said vehicle. On 31.05.2019, the vehicle was seized by the third respondent on the ground that it was using for illegal mining. The vehicle is presently in the custody of the third respondent.

2. According to the petitioner, the above allegation is incorrect and his stand will be vindicated in the course of enquiry, that is, according to the learned Government Advocate, who appears for all the respondents, presently on-going.



the directions issued in the Government Order by making frequent surprise checks and submit their report to the District Level Task Forces.

(v) The Taluk Level Task Forces shall meet every fortnight as mandated in the Government Order.

(vi) The responsibility fixed in the Government Order will have to be strictly construed and action will have to be taken against the erring Village Administrative Officer, Tahsildar, Officer in-charge of Department of Geology and Mining at District Level.

(vii) Action taken report will have to be sent by the District Collector concerned for the purpose of taking necessary action. The District Collector concerned shall take appropriate departmental action by himself as per the Rules provided so.

(viii) Separate records will have to be maintained by the Village Administrative Officer, Tahsildar and Officer in-charge of the Department of Geology and Mining with respect to the cases involving illicit mining.

(ix) As and when illicit mining is reported, the same will be recorded in the records.

(x) The respective District Collectors will have to ensure by making wide publicity of phone particulars assigned to the District Level Task Forces and the Taluk Level Task Forces, so that, the general public can give their complaints. There should be affixture or display of the phone particulars in the Collectorate, Taluk office, Office of Deputy Director and Assistant Director of Geology and Mining and that of the Village Administrative Officer.

(xi) Complainant will have to be intimated on the action taken within a period of one week from the date of receipt of the complaint. A complaint shall also be received even when made through phone calls.

(xii) Complaints by an authorised person under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 are to be made immediately and not later than one week from the date of seizure.

(xiii) Whenever, a final report is filed for the offence under Section 379 IPC by the jurisdictional police before the jurisdictional Magistrate, the same shall also be committed to the Special Court. This is for the reason that it would be appropriate to deal with both the police case and the private complaint by the same Court and in order to avoid any possible conflict.

(xiv) The revenue officials at the time of seizure can issue a memo to the person in-charge of the vehicle, mineral among other things, indicating the seizure made, and also the date and time.

(xv) In so far as the seized vehicles are concerned, they shall be produced before the concerned Magistrate

