



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD)No.17865 of 2019

and

W.M.P. (MD)No.14342 of 2019

Rajammal

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai District.

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

3.The Inspector of Police,
Karaikudi Police Station (North),
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the Tanker vehicle (Lorry) with the bearing Registration No.TN-34-D-5626 which was seized by the third respondent on 16.07.2019.

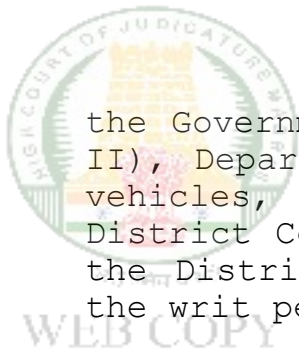
For Petitioner : Mr.V.R.Venkatesan
For Respondents : Mr.A.Thiyagarajan,
Government Advocate.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to release the Tanker vehicle (Lorry) with the bearing Registration No.TN-34-D-5626, which was seized by the third respondent on 16.07.2019.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was holding a valid licence and permit and therefore, confiscation of the vehicle was improper.

3.Per contra, the learned Government Advocate appearing on behalf of the respondents opposed the contentions by stating that the Writ Petition cannot be entertained, in view of the fact that



the Government also issued an order in G.O.Ms.No.298, Home (Courts-II), Department, dated 13.06.2019 and now in respect of release of vehicles, an enquiry is to be conducted by the jurisdictional District Court concerned and the aggrieved persons have to approach the District Court at the first instance. The vehicle belongs to the writ petitioner was seized on 16.07.2019.

4.The learned counsel appearing on behalf of the writ petitioner mainly relied on the ground that the writ petitioner was holding valid permit and licence. However, the writ petitioner had deviated the rules. However, all such disputes are to be enquired into by the District Court at the first instance. However, the High Court under Article 226 of Constitution of India cannot verify the genuinity and the valid permit or the violation of the rules. All these issues are to be adjudicated with the original documents as well as with reference to the findings arrived by the competent authorities.

5.Verification of records under these circumstances are required and therefore, the writ petitioner has to approach the District Court for adjudication of disputed issues. Under these circumstances, mere direction of considering the representation would do no service to the cause of justice. Contrarily, the litigant will back again to the High Court. Such approach will cause repeated filing of the Writ Petition before the High Court and the litigant cannot get remedy at all. Thus, mere direction to consider the representation would not solve the problem. Contrarily, the writ petitioner can adjudicate the issues before the District Court at the first instance and if the grievances are not redressed thereafter, he can approach the High Court.

6.This being the procedures to be followed in respect of issuing direction to consider the representation, the Hon'ble Supreme Court of India also made an observation in the case of **Government of India Vs. P.Venkatesh (Civil Appeal No.2425 of 2019)**, which is extracted hereunder:-

"This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute. By the time, the High Court issued its direction on 9 August 2016, nearly twenty one years had elapsed since the date of the death of the employee."



7.This being the findings of the Apex Court, this Court is of the opinion that the writ petitioner has to necessarily approach the District Court concerned for adjudication of the issues. Accordingly, the writ petitioner is at liberty to approach the District Court concerned by filing appropriate petition and seeking remedy in the manner known to law.

8.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai District.

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

3.The Inspector of Police,
Karaikudi Police Station (North),
Sivagangai District.

+1 CC to M/s.V.R.VENKATESAN, Advocate (SR-81910[F] dated 16/08/2019)

+1 CC to M/s.SPL GP (SR-82179[F] dated 19/08/2019)

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16.08.2019

myr
JM/29.08.2019/3P/6C