



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.05.2020

CORAM:

THE HONOURABLE JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No. 6286 of 2020

WEB COPY

R. Rajesh Kannan @ Rajesh Kumar

... Petitioner

Vs.

1. The Assistant Director,
Geology and Mines Department, Thanjavur District.
2. The Sub-Collector Cum Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
3. The Thasildar,
Papanasam Taluk, Thanjavur District.
4. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a **Writ of Mandamus**, directing the second respondent to release of the petitioner's vehicle of JCB, bearing registration No. TN-63-AV-1917 from the custody of the fourth respondent's police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 13.02.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.R. Maheswaran
For Respondents : Mrs. J. Padmavathi Devi
Special Government Pleader

ORDER

The Writ Petition is filed, relate to seizure of JCB vehicle while transporting the sand.

2. The Hon'ble Division Bench of this Court in **W.P. (MD) Nos.19936 of 2017 etc batch-(Muthu Vs. The District Collector, Pudukottai District, Pudukottai and others)**, by order dated 29.10.2018, in similar matters had issued the following directions, with respect to release of the vehicle.



"13.As recorded earlier, illegal mining is carrying on unabatedly under the very nose of the revenue officials, which can be taken judicial note of by this Court with a fond hope that the same can be controlled in future. Hence, we issue the following directions:

(i)The District Level Task Forces and Taluk Level Task Forces, constituted pursuant to the order passed in WP(MD)No.9806 of 2018 should follow the G.O.(Ms)No.135 Industries (MMA.1) Department, dated 13.11.2009 in letter and spirit.

(ii)As stated in the above said Government Order, periodical meetings will have to be held which is inclusive of action taken/to be taken for the illicit mining.

(iii)Steps will have to be taken for dereliction of the duty by the concerned officials.

(iv)Taluk Level Task Forces shall also comply with 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, along with the date and time.

(xv) In so far as the seized vehicles are concerned, they shall be produced before the concerned Magistrate Court by the revenue authorities at the time of filing their respective complaints.

(xvi) Any application for release of vehicle etc., can only be filed before the Special Court alone.

(xvii) Any violation of the above would constitute a contempt of the order passed by this Court, for which, appropriate application can either be filed before the First Bench of this Court or any other Bench as per the direction of the Hon'ble Chief Justice.

14. With the above observations and directions, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed."

3. The same directions are reiterated and the petitioner will have to follow the directions as already issued above and the same will also bind the respondents.

4. With the above observations and directions, the instant Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Assistant Director,
Geology and Mines Department,
Thanjavur District.
2. The Sub-Collector Cum Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
3. The Thasildar,
Papanasam Taluk,
Thanjavur District.
4. The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
5. The Special Government Pleader,
Madurai Bench of Madras High Court, Madurai.

Common Order made in
W.P. (MD) No. 6286 of 2020
Dated: 22.05.2020

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SDS (02.06.2020) 4P-6C