



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10668 of 2020

Ayyanan

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai, Sivagangai District.
- 3.The Assistant Director,
Mines and Minerals Department,
Sivagangai,Sivagangai District.
- 4.The Inspector of Police,
Poovanthi Police Station,
Sivagangai,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, directing to call for the records pertaining to the impugned order in Na.Ka.No.M2/747/2020, dated 29.07.2020 on the file of the first respondent and quash the same as illegal in connection with the payment of Rs.50,000/- (Rupees Fifty Thousand only) and consequently, directing the respondents to release the petitioner's Tractor with Trailer vehicle bearing Registration No.TN 63 AB 7494 which was seized by the fourth respondent police.

For Petitioner : Mr.R.Venkatesan
For Respondents : Mr.C.Ramar
Government Advocate

O R D E R

Heard the learned counsel on either side.

2.The petitioner's vehicle (Tractor with Trailer) bearing Registration No.TN63 AB 7494 was seized by the respondent police for illegal transportation of sand.

3.Crime No.86 of 2019 was registered for the offences under Section 379 of IPC r/w Section 21(1) of Mines and Minerals Act, 1957. When the petitioner applied for bail, he is said to have



remitted a sum of Rs.10,000/- as part of the bail condition. In the mean while, action was taken under Tamil Nadu Mines and Minerals Concession Rules and by the impugned order dated 29.07.2020, the petitioner was levied with penalty of Rs.50,000/-. The petitioner is said to have remitted the said amount.

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4.The petitioner's grievance is that even though he had so far paid a sum of Rs.60,000/-, his vehicle continues to be detained in the custody of the respondents. Therefore, the present writ petition has been filed seeking modification of the penalty amount. The order was passed way back in July 2019. The amount was remitted only recently. Therefore, the question of modifying the penalty amount levied on the petitioner does not arise.

5. The learned counsel informs the Court that the vehicle has been produced before the jurisdictional Criminal Court and RPR number has also been assigned. Once the vehicle is in the custody of the jurisdictional Criminal Court, it is for the criminal Court to take a call.

6.However, taking note of the fact that the vehicle is in the custody of the respondent for more than a year and the fact that the petitioner has made a payment of Rs.60,000/-, I deem it fit to dispose of the writ petition with the following directions:-

(1) The petitioner is directed to file a petition before the jurisdictional Criminal Court for release of the petition mentioned vehicle.

(2) The jurisdictional Criminal Court shall consider the request for release sympathetically and favorably taking into account the circumstances set out above. The application for release of the vehicle shall be disposed of within 10 days from the date of filing.

(3) The Court below can impose other condition that are normally stipulated. Of-course, the petitioner will have to produce the vehicle as and when required and they will abide by the confiscation proceedings that may also be taken.

7.With these observations and liberty and directions, the Writ Petition is disposed of. No costs.

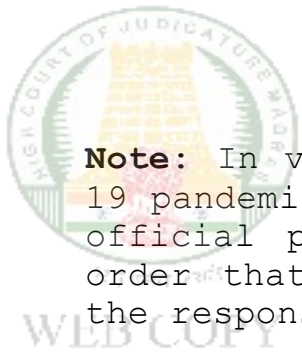
Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.
- 3.The Assistant Director,
Mines and Minerals Department,
Sivagangai,
Sivagangai District.
- 4.The Inspector of Police,
Poovanthi Police Station,
Sivagangai,
Sivagangai District.

+1 CC to M/s.GP (SR-18400[F] dated 29/09/2020)

W.P. (MD)No.10668 of 2020
25.09.2020

MA (CO)
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