



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.14573 of 2020

V.Suseela

... Petitioner

Vs

1.The Revenue Divisional Officer,
Karur District, Karur.

2.The Assistant Geologist,
Geology and Mines Department,
Karur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle viz., Tipper Lorry bearing Registration No.TN 20 AC 2253, chassis number BKE439417 and Engine No.BKE324773, which was seized by the second respondent on 16.03.2020, within the time frame as fixed by this Court.

For Petitioner	: Mr.K.Suresh
For Respondents	: Mr.A.Karthik,
	Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to release the petitioner's vehicle viz., Tipper Lorry bearing Registration No.TN 20 AC 2253, Chassis No.BKE439417 and Engine No.BKE324773, which was seized by the second respondent on 16.03.2020, on the ground that the said vehicle carried rough stones without permit.

2. Heard Mr.K.Suresh, learned counsel appearing for the petitioner, Mr.A.Karthik, learned Government Advocate appearing for the respondents.

3. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner has filed the petition before the first respondent for compounding the offence and the first respondent has also passed an order dated, 22.09.2020, whereby, the petitioner was directed to pay a sum of Rs.25,000/- towards penalty, Rs.2,000/- towards the cost of minerals and Rs.354/- towards the seigniorage fee. The petitioner has also paid the said fine amount, as per order, dated 22.09.2020, passed by the first respondent. Since the vehicle has not been released, the petitioner has approached this Court.



5.The learned counsel for the petitioner has placed before this Court, a recommendation made by the first respondent to the second respondent intimating that the offence has been compounded and requesting the second respondent to release the seized vehicle back to the petitioner. The proceedings of the first respondent, dated 22.09.2020 is taken on file. In view of the admitted facts as pleaded by the petitioner, seized vehicle has to be necessarily released back to the petitioner, since the offence has already been compounded by making payment of the fine amount.

6. Accordingly, this Court directs the second respondent to release the Tipper Lorry bearing Registration No.TN 20 AC 2253, Chasis No.BKE439417 and Engine No.BKE324773 to the petitioner unconditionally, within a period of two days from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Revenue Divisional Officer,
Karur District, Karur.

2.The Assistant Geologist,
Geology and Mines Department, Karur.

+1 CC to SGP (SR-20548[F] dated 19/10/2020)

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16.10.2020

SMV(CO)

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