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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.23281 of 2018

N.Kumar

... Petitioner

Versus

1.The District Collector
Office of the District Collector
Villupuram District.

2.The Inspector of Police,
Vadaponparappi Police Station,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the first respondent herein to release the truck Ashok Leyland Tarus bearing registration No.TN.52.C.0060 belonging to the petitioner and kept in custody with the second respondent.

For Petitioner : Mr.T.Nixon

For Respondents : Mr.V.Nanmaran
Additional Government Pleader

O R D E R

This Writ Petition has been filed, for the issuance of Writ of Mandamus, to direct the first respondent herein to release the truck Ashok Leyland Tarus bearing registration No.TN.52.C.0060 belonging to the petitioner and kept in custody with the second respondent.

2.The case of the petitioner is that his lorry was seized on 31.07.2018 at 11.30 P.M, for carrying the granite stone block. After the enquiry, the second respondent imposed a penalty of Rs.5,00,951/-, including the value of the stone and other charges, for transporting the stones without proper permit.



Under such circumstance, the present writ petition filed to release the lorry.

3.The learned counsel for the petitioner would submit that the lorry is completely unused for the period of five years. If the lorry kept unused for further, the value of the lorry will get diminished. Hence, he seeks appropriate direction to release the lorry.

4.Per contra, the learned Additional Government Pleader appearing for the respondents strongly opposed for releasing the lorry stating that the petitioner is liable to pay the fine amount of Rs.2,63,705/- and so far, the petitioner has not paid any amount. Therefore, the respondent is not in a position to release the lorry. Hence, prayed for dismissal of the Writ Petition.

5.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on records.

6.Upon perusal, it appears that the respondents imposed a sum of Rs.2,63,705/- as penalty to the petitioner for transporting stones without permit, but, the same was not paid by the petitioner and no appeal has been preferred against the said order. Under such circumstance, the respondents should have either brought the lorry to the auction or should have taken steps to recover the penalty. This Court really surprise, why the respondents have not taken any steps recover the penalty and kept the lorry unused. It shows carelessness and negligence act of the respondents, which leads to an economical loss. If the lorry was brought for auction in the year 2018, it would have been sold for a sum of Rs.4,00,000/-, because of the non-usage, now, it will not fetch a minimum amount of Rs.1,00,000/-. Ultimately, Rs.3,00,000/- is an economical loss for the petitioner because of the negligence approach adopted by the respondents.

7.This Court cannot sit and watch recklessness act of the respondents, keeping custody of the vehicles for number of years without taking any action to recover the penalty, therefore, this Court directs the petitioner to pay a sum of Rs.50,000/- to the 0853 Non-Ferrous Mining and Metallurgical Industries - 800 - Miscellaneous Receipts - AC - Miscellaneous Receipts (D.P.Code No.0853-00-800-AC-0001). On receipt of the such payment, the second respondent shall release the lorry within 24 hours from the date of receipt of a copy of this order.



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8.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To:

1.The District Collector
Office of the District Collector
Villupuram District.

2.The Inspector of Police,
Vadaponparappi Police Station,
Villupuram District.

+1cc to Mr.Nixon, Advocate SR.No.60077

W.P.No.23281 of 2018

MG(CO)
CB(20/12/2021)