



WEB COPY

W.P(MD).No.11181 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.11181 of 2021

and

W.M.P(MD).No.8760 of 2021

A.Villava Rayan

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by its Secretary,
Department of Industries,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Geology and Mining,
Guindy, Chennai - 600 032.
3. The District Collector,
Tirunelveli,
Tirunelveli District.
4. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
5. The Tahsildar,
Tisiyanvilai,
Tisiyanvilai Taluk,
Tirunelveli District.
Tisiyanvilai Taluk formed on 02.08.2018.
6. The Regional Deputy Tahsildar,
Tisiyanvilai, Tirunelveli District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the first respondent herein vide G.O.(D) No.31, Industry (MMCl) Department dated 24.02.2021, quash the same, and further direct the respondents herein to pay compensation of Rs.20,00,000/- (Rs.Twenty lakhs only) or such other amount to the petitioner.

For Petitioner

: Mr.A.Ajith Geethan



For respondents

: Mr.A.K.Manikkam,
Standing Counsel for
Government

O R D E R

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[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.Ajith Geethan, learned counsel appearing for the petitioner and Mr.A.K.Manikkam, learned Government Counsel appearing for the respondents.

2. This writ petition has been filed challenging the Government Order in G.O.(D) No.31, Industry (MMC1) Department dated 24.02.2021, wherein, the prayer sought for by the writ petitioner is for the payment of compensation on the alleged ground that the vehicle owned by the petitioner has been illegally detained and not released, in spite of direction issued for release of the vehicle.

3. The Authorities have refused to release the vehicle on the ground that the petitioner has not proved the ownership of the vehicle to their satisfaction. This had to be done by the petitioner, because there was a direction issued by the Court while directing the release of the vehicle. Now the petitioner claimed compensation and went before the Authorities and ultimately on appeal, the Government has rejected the same.

4. We have perused the impugned order and find that it is a speaking order, after considering all the factual aspects there is no allegation of any illegality in the decision making process. We cannot interfere with the ultimate decision taken by the Government refusing compensation since the entitlement for payment of compensation would depend upon the establishment of failure on the part of the Authorities to take action, in spite of the petitioner having fulfilled all the conditions. Above all, the petitioner is a person who is involved in the illicit transport of minerals. We are of the considered view that the impugned order cannot be interfered on the ground raised by the writ petitioner.

5. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

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 Secretary,
State of Tamil Nadu,
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Fort St.George, Chennai - 600 009.
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Tisiyanvilai Taluk,
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Tisiyanvilai Taluk.
6. The Regional Deputy Tahsildar,
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+1 CC to M/s.SPL GP (SR-21734[F] dated 08/07/2021)

W.P.(MD) No.11181 of 2021
07.07.2021

lr (13.07.2021) 4P 8C