
(2011) 04 MAD CK 0328

In the Madras High Court

Case No : Writ Petition No. 9185 of 2011

B. Kalamegam

APPELLANT

Vs

The District Collector and Others

RESPONDENT

Date of Decision : 11-04-2011

Acts Referred:

Citation : (2011) 04 MAD CK 0328

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : R. Munuswamy, for the Appellant; R. Thirugnanam, Special Government Pleader, for the Respondent

Judgement

M. Jaichandren, J.—This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the Respondent to release the Tractor, bearing Registration No. TN-32-T-3523, seized by the fourth Respondent, on 19.3.2011, to the Petitioner.

2. The learned Special Government Pleader appearing on behalf of the Respondents had submitted that adjudication proceedings are over and on payment of Rs. 25,770/-to the third Respondent, the vehicle in question bearing Registration No. TN-32-T-3523, would be released to the Petitioner. However, it would be open to the Petitioner to invoke Section 36-C of the Tamil Nadu Minor Mineral Concession Rules, 1959, if he deems it fit to do so, against the order of the third Respondent, dated 25.3.2011.

3. In view of the averments made by the Petitioner and taking into consideration the relief prayed for by the Petitioner and since, similar orders have been passed by this Court, the Respondent is directed to release the Tractor bearing Registration No. TN-32-T-3523, to the Petitioner on his fulfilling the following conditions:

(i) The Petitioner shall establish the ownership of the vehicle, by producing the necessary documents and the certificates, before the third Respondent, including

the R.C. Book.

(ii) The Petitioner shall not alienate the vehicle, in any manner, till the final order to be passed in the appeal, which is likely to be filed by the Petitioner, u/s 36-C of the Tamil Nadu Minor Mineral Concession Rules, 1959;

(iii) The Petitioner shall deposit a sum of Rs. 25,770/- (Rupees Twenty five thousand and seven hundred and seventy only), in cash, with the third Respondent, which will be subject to the final orders to be passed in the said appeal.

(iv) The Petitioner shall give an undertaking before the third Respondent that he shall not use the vehicle, for any illegal purpose, in future and that he shall also produce the vehicle, as and when it is required by the third Respondent; and

(v) This order for the release of the vehicle can be availed of by the Petitioner, if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of a criminal Court, it would be open to the Petitioner to approach the Magistrate concerned to get the vehicle released by filing an appropriate application, in accordance with law.

(vi) If the appeal is filed, a final order is to be passed in the said appeal, within a period of two months from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition is disposed of. No costs. Connected M.P. No. 1 of 2011 is closed.