

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.35181 to 35183 of 2016

D.Suresh ... Petitioner in  
W.P.No.35181 of 2016

V.Senthil ... Petitioner in  
W.P.No.35182 of 2016

P.Muniyandi ... Petitioner in  
W.P.No.35183 of 2016

vs.

1.The Inspector of Police,  
B3 Kancheepuram Taluk Police Station,  
Kancheepuram District.

2.The Chairman,  
Blue Cross of India,  
Velachery Check Post,  
Guindy, Chennai - 600 032.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents 1 and 2 to release the 2 Bulls and 1 Bullock Cart seized on 16.09.2016 by the 1<sup>st</sup> respondent to the petitioner.

For Petitioner : Mr.E.Martin Jayakumar  
in all W.Ps

For Respondents

in all W.Ps : Mr.R.Govindasamy  
Special Government Pleader

COMMON ORDER

Heard Mr.E.Martin Jayakumar, learned counsel appearing for the petitioners. Mr.R.Govindasamy, learned Special Government Pleader accepts notice for the respondents. By consent, the writ petitions are taken up for final disposal.

2.The petitioners seek for release of the bulls and the

bullock carts seized on 16.09.2016 on the ground that it was used for transporting illicit transport of river sand. The bulls have been handed over to the second respondent, Blue Cross of India. Earlier when similar writ petitions were filed before this Court in W.P.No.14481 to 14491 of 2015, this Court took into consideration of the fact that the petitioners therein, who were the owners of the bulls and the bullock carts would be in a position to take care of them in a better way than to entrust it with the agency who will have several other animals, most of which are abandoned animals and accordingly, a direction was issued to release and return the bulls and the bullock cart.

3.The view taken in the earlier writ petitions appears to be reasonable. However, that does not mean that the respondent cannot proceed in accordance with law for the illicit transport of river sand. Thus, that power should be preserved while issuing any direction for return of the bulls and the bullock carts.

4.Accordingly, there will be a direction to the first respondent to return the bulls and the bullock carts seized from the petitioners on 16.09.2016, leaving it open to the first respondent or the Revenue Divisional Officer or the District Collector, as the case may be, to initiate appropriate action in accordance with Tamil Nadu Minor Minerals Concessional Rules, 1959 and other notifications. The first respondent is also entitled to proceed with the criminal case in accordance with law. The above direction shall be complied with on production of the copy of this order before the second respondent.

5.The Writ Petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cse

To

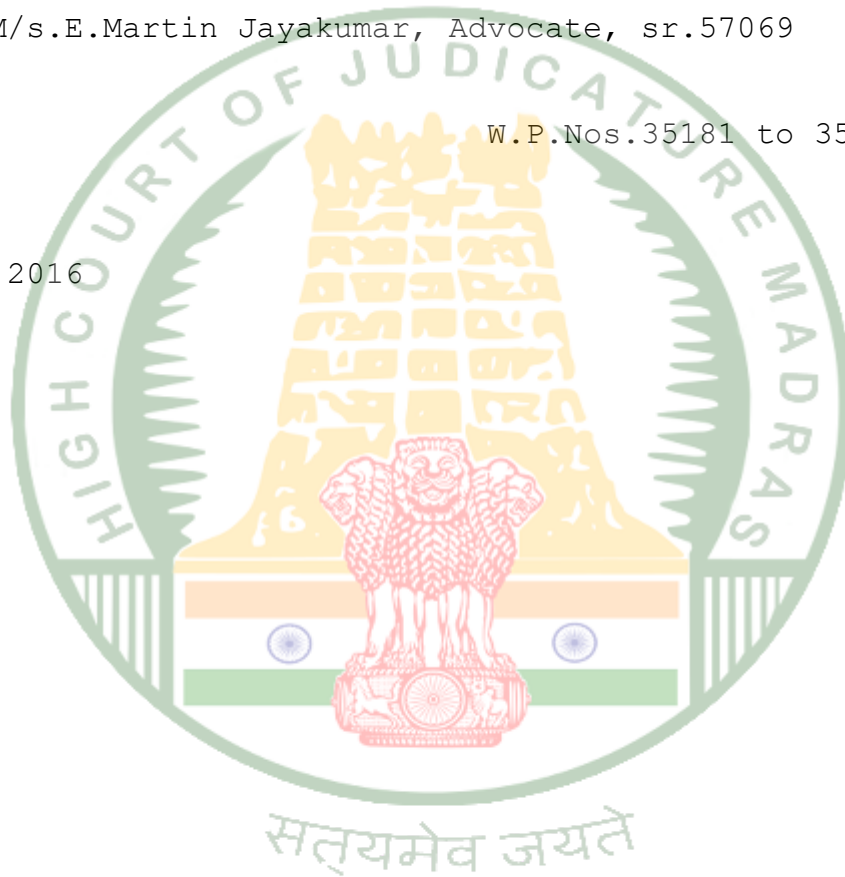
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3 ccs to M/s.E.Martin Jayakumar, Advocate, sr.57069

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