



IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, SALEM.

Present: Thiru. Swarnam J. Natarajan, M.L.,

Principal Session Judge, Salem.

Tuesday, this the 07th day of July - 2026

C.M.P.No. 3371/2022 in

CNR.No.TNSA01-005405-2022

The Revenue Divisional Officer,
Attur.

... Petitioner

-versus-

1. Kumar, S/o. Ramasamy.
2. Ayyappan,
S/o. Krishnamoorthy.
3. Selvakumar,
S/o. Manickam

... Respondents

This petition came up for final hearing before me today, the Respondents were called absent, and no representation was made on their behalf, and upon perusing the records, this court delivers the following :

ORDER

This petition is filed under Section 21(4A) of the Mines and Minerals (Development and Regulation) Act, 1957, seeking for confiscation of the Ashok Leyland Dost vehicle bearing Registration No.TN 77 J 6798, owned by the 3rd respondent Selvakumar. The vehicle is alleged to have been used in the commission of illegal mining and transportation of minerals.



2. The present petition has been instituted by the Revenue Divisional Officer, Attur, seeking for an order of confiscation of the vehicle Ashok Leyland Dost vehicle bearing Registration No.TN 77 J 6798, Engine No.JHH043600P, and Chassis No.MB1AA22E7HRJ88246, on allegations that the said vehicle was employed for the unlawful transportation of minerals extracted without any lawful authority, permit, license, or transit pass, as contemplated under the provisions of the MMDR Act and the rules framed thereunder.

(i) The question before this Court is not confined merely to the ownership of the motor vehicle or with regard to the legality of the seizure. It extends beyond the individuals right and concerns the larger public interest in safeguarding the nation's mineral wealth, which constitutes a valuable natural resource held by the State in trust for the benefit of future generations.

(ii) Thereby, while exercising jurisdiction under Section 21 of the MMDR Act, the Court has to examine whether the statutory requirements for confiscation stands satisfied. Keeping in view not only the rights of the individual claimant but also the larger constitutional obligation to protect the environment and preserve natural resources for the common benefit of society.



3. According to the petitioner, on 17.02.2020, during routine surveillance patrolling within the limits of Attur Rural police station, the illegal transportation of mines and minerals in the area was noticed, and case was registered by the police. The vehicle involved in the said transportation was seized along with the minerals, and criminal case was parallelly initiated by seizing the vehicle. The Investigating Officer had prepared seizure mahazar and proceeding with the criminal case registered against the persons concerned under Section 21(1) of the MMDR Act and Section 379 of the Indian Penal Code. In addition to the said criminal prosecution, the petitioner had approached this Court seeking for an order directing for confiscation of the vehicle under the Act.

4. The respondents were called absent, and no objection was filed.

5. The record reveals that the vehicle was seized under seizure mahazar, First Information Report was registered, connected documents were furnished.

6. Both sides were afforded with adequate opportunity to place their materials and advance their suggestions.

7. The petitioner contended that the seizure of the vehicle was effected strictly in accordance with the provisions of the MMDR Act and the rules framed therein. In order to ensure that the vehicle employed in illegal mining



activities are permanently removed from circulation so that the vehicle cannot again be utilized for similar unlawful activities the present confiscation proceedings were initiated. According to the petitioner, the illegal mining has constituted an organized activity, causing enormous loss to the State exchequer and irreversible damage to the environment. Hence, the petitioner prays for allowing the application.

8. Having regard to the pleadings and submissions, it has become necessary to bear in mind the limited scope of the present confiscation proceedings. The Court, at this stage, is not expected to determine the criminal liability of the respondents or any other accused person. The question whether the prosecution ultimately succeeds in establishing the guilt of the accused beyond reasonable doubt falls exclusively within the domain of the criminal court while trying the offence charged. Whereas the scope before this Court is of different nature. The Court is required to determine whether the materials placed before the court discloses the fact that the vehicle in question is used for the commission of the offence of illegal mining or transportation of minerals in violation of the said of MMDR Act, and whether the statutory conditions contemplated under Section 21 had been satisfied for warranting confiscation. So, the scope of the inquiry remains conscious of the larger legislative objective of preserving natural



resources and preventing the repeated misuse of vehicle employed in environmental offences.

9. In view of the above, the points that arise for consideration are:

1. Whether the petitioner had established that the vehicle bearing Registration No.TN 77 J 6798, was used for illegal transportation of the minerals in contravention of the provisions of the MMDR Act and the rules framed thereunder?
2. Whether the respondents had established any legally sustainable defence that disentitle the petitioner from obtaining an order of confiscation?

10. The Mines and Minerals (Development and Regulation) Act was enacted by the Parliament in exercise of the powers conferred under Entry 54, List I of the Seventh Schedule of the Constitution of India. The Act was intended to ensure that mineral resources, which constitute a national asset, are explored, developed, and utilized in a planned, scientific, and environmentally sustainable manner. It recognizes that minerals are exhaustible natural resources and that their indiscriminate extraction has serious economic, environmental, and social consequences. The object of the Act is not merely to regulate mining operations or to collect royalty for the State. The legislation embodies a broader public



policy that mineral wealth belongs to the community and that its exploitation must be carried out only in accordance with the law, subject to strict regulatory supervision.

11. Section 21 of the Act prescribes the consequences for contravention of Section 4, make such contravention punishable with imprisonment and fine. Realizing that prosecution alone would not deter illegal mining additional powers were conferred under the Act for immediate preventive action for seizure of the minerals, equipment, or things used in the commission of the offence. The distinction between punishment and confiscation is of considerable importance. Punishment is directed against the offender and is imposed only upon proof of guilt after a criminal trial. Whereas confiscation on the other hand is directed against the offending property because of its involvement in the commission of an offence.

12. The legislature has consciously treated the instrumentality of the offence as a subject of separate adjudication. Recognizing that environmental crimes often derive their strength from the availability of specialized machinery and transport vehicles. By depriving the offender of such instrumentalities, the statute seeks to dismantle the economic infrastructure supporting illegal mining. Offenders routinely sought for interim custody of seized vehicles, and



repeatedly continue to employ them in illegal mining operations and prolong the criminal proceedings through repeated adjournments. By the time the criminal trial reaches its conclusion, several years would have lapsed and the object of seizure itself would become illusory. Thereby, Parliament intend that confiscation proceedings should operate as an effective and expeditious mechanism to neutralize the instruments of environmental crime.

13. The seizure mahazar produced in this Court discloses that the vehicle involved in the occurrence was found to have transported with the minerals and the driver is required to produce transit pass, permit, and authorization evidencing lawful transportation of the minerals. However, no such documents were produced despite demand. The seizure record further indicate that the approximate quantity of the mineral transported, the particulars of the vehicle, name of the witnesses present during the time of the seizure, and the signature of the official who conducted the inspection.

14. The record reveals that the seizure was effected in the ordinary course of official duty and immediately followed by the registration of criminal case. Nothing were placed on record before this court to indicate that these contemporaneous records were fabricated or prepared with an ulterior motive for statistical purpose. The official acts performed by the public servants in



discharge of their statutory functions carry with them a presumption of regularity unless convincing materials produced to the contrary. Such presumption is of course rebuttable, nevertheless the burden of displacing it lies upon the person challenging the official act. In the present case, the respondents had not produced any material capable of discrediting the official records.

15. In the present case, despite opportunities being provided, neither the driver of the vehicle nor the owner produced any valid permit, lease deed, transport pass, royalty receipt, or statutory document demonstrating that the transportation was authorized under the law. No explanation has been offered regarding the lawful source from which the minerals were originated. The respondents remained completely silent regarding the identity of the permit holder, the quantity authorized for transportation, or the payment of the fee. The complete absence of these documents lends a substantial assurance to the case of the petitioner that the transportation was not authorized under the provisions of MMDR Act. A registered owner of a commercial vehicle cannot completely abdicate responsibility regarding the manner in which the vehicle is utilized.



16. Where the vehicle is engaged particularly in transportation of minerals, the owner is expected to ensure that every consignment is accompanied by documents mandated under the statute. If such a plea of ignorance is accepted without proof, every owner would conveniently avoid the consequences of the act by merely attributing the illegal activity to the driver or third party. Such an interpretation would render the confiscatory provisions wholly ineffective.

17. This Court is satisfied that the petitioner had established on the materials available, that the subject vehicle was used for transporting minerals in contravention of the provisions of the MMDR Act. The Honourable Supreme Court in several judgments was pleased held that the confiscation proceedings are entirely distinct from criminal prosecution. The confiscation proceedings serves as a deterrent from the offender in repeating the offences and the same need not be depended on the outcome of the criminal case. The Honourable High Court of Madras, in the Full Bench ***W.P.No.M.D.No.14341 of 2022***, clarified the procedure to be followed by the authorities after seizure, and recognize the competence of the jurisdictional court to entertain confiscation proceedings initiated by the authorized officer under the statutory schemes. Based on the abovesaid full bench judgment, the present confiscation proceedings have been initiated by the petitioner in accordance with law,



thereby the objection raised by the respondents with regard to the maintainability of the petition is not entertainable.

18. On the overall appreciation of the materials available on record, this court is satisfied that the petitioner had established that the vehicle bearing Registration No.TN 77 J 6798, were found to be transporting minerals, and the driver and the owner of the vehicle failed to produce any valid transit pass, statutory authorization, thereby the seizure was effected by the competent authority in accordance with law. The respondents failed to appear and produce any acceptable evidence demonstrating lawful transportation or innocent use of the vehicle, and no legal impediment exists preventing this court from exercising its jurisdiction of confiscation, notwithstanding the pendency of criminal prosecution. The evidence available before this court clearly establishes the nexus between the seized vehicle and the commission of the offence alleged under the MMDR Act. Thereby, the respondents do not create any legal or factual impediment warranting refusal of confiscation relief sought by the petitioner.

19. In the result, the confiscation proceedings stands allowed.

(i) In exercise of powers conferred under the provisions of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, this court



orders that the vehicle bearing Registration No.TN 77 J 6798, which had been used in the commission of the offence, shall stand absolutely confiscated to the government with immediate effect.

(ii) The petitioner shall forthwith take possession of the confiscated vehicle, and the vehicle which has already been released to the 3rd respondent pursuant to the interim order passed by this court, the 3rd respondent shall surrender the vehicle before the petitioner within a period of 7 days from the date of receipt of the copy of the order. Failure to surrender the vehicle within the stipulated period would entitle the petitioner to secure possession of the vehicle by adopting due process of law, including seeking for police assistance.

(iii) After taking possession of the vehicle, the petitioner shall ensure that its present condition is duly recorded by preparing an inventory, taking photos, videographs, and identifying particulars, including registration number, engine number, and chassis number. Such documentation shall form part of record so that the identity of the vehicle remains available for the purpose of the pending criminal proceedings whenever required.

(iv) Thereafter, the authorized officer/petitioner shall obtain valuation of the vehicle from the competent authority and proceed to dispose of the same by way of public auction by conducting e-auction as may be permissible under the



applicable statutory rules/government orders, instructions governing disposal of the confiscated government property.

(v) The auction shall be conducted in a transparent and fair manner so as to secure the best possible price in the public interest. The entire sale proceeds realized from such auction shall be credited to the government account as may be prescribed by the government.

(vi) The concerned authority shall maintain proper accounts of the sale proceeds and complete all consequential formalities in accordance with the applicable financial rules.

(vii) The confiscation ordered under this petition would not influence or prejudice the merits of the criminal prosecution.

With the above direction, the confiscation proceedings is disposed of.

Dictated to the Steno-Typist, taken by her in shorthand, transcribed and typed by her with the help of voice recorder, and Microsoft 365, corrected and pronounced by me, in the open court, this the 07th day of July – 2026.

**Principal Sessions Judge,
Salem.**

Annexure:-

Petitioner's side witness and documents:-

-Nil-

07.07.2026

Principal Sessions Judge, Salem.



Respondents' side witness and documents:-

-Nil-

**Principal Sessions Judge,
Salem.**

Copy to :-

1. The Revenue Divisional Officer, Attur.
2. The Inspector of Police, Attur Rural P.S.

07.07.2026

Principal Sessions Judge, Salem.



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C.M.P. No.3371/2022

The Principal Sessions Court,
Salem

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Draft/Fair Order in
C.M.P.No.3371/2022
Dated : 07.07.2026

07.07.2026

Principal Sessions Judge, Salem.