

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.27068 of 2015

and M.P.No.1 of 2015

S.Mathaiyan

... Petitioner

-Versus-

- 1.The District Collector,
District Collector's Office,
Krishnagiri,
Krishnagiri District.
- 2.The Sub Collector,
Sub Collector's Office,
Hosur, Krishnagiri District.
- 3.The Regional Transport Officer,
Hosur,
Krishnagiri,
Krishnagiri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the 1st respondent to dispose of the appeal dated 14.08.2015 preferred by the petitioner within a time frame to be fixed by this court and for a consequential direction to the 2nd respondent to release the Truck bearing Regn. No.TN 75 J 1576 which was seized on 29.04.2015.

For Petitioner : Mr.M.D.Thirunavukkarasu
For Respondent(s) : Mr.T.N.Rajagopalan, AGP

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ORDER

The truck owner, whose vehicle has been seized by the 2nd respondent, has come forward with this writ petition seeking to issue a writ of mandamus directing the 1st respondent to dispose of the appeal filed by him within a time frame to be fixed by this court and for a consequential direction to the 2nd respondent to release his truck.

2. The case of the petitioner in brief is that he is the owner of the vehicle bearing Regn. No.TN 75 J 1576 and engaged in the business of supply of construction materials throughout Krishnagiri District. He has been given permit to transport sand. He has been doing his business lawfully. While so, his truck was seized by the 2nd respondent at Govindha Agraharam Village in Hossur, en route to Karanataka State alleging that the sand load did not accompany proper permit and documents. Aggrieved by the same, the petitioner submitted his representation for the release of the vehicle. Not being satisfied with the explanations offered by the petitioner, the 2nd respondent rejected the representation of the petitioner. As against the same, the petitioner preferred an appeal dated 14.08.2015 before the 1st respondent which is now pending for consideration.

3. The grievance of the petitioners is that the vehicle in question, which was purchased by him by raising vehicle loan, has been seized and detained by the 1st respondent and the same is now kept idle at the premises of the revenue authority in open light and air and it is getting deteriorated gradually. Seeking for the early disposal of the said appeal and for a consequential direction for the return of the vehicle, the petitioner is now before this court with this writ petition.

4. Heard both sides and also perused the records carefully.

5. Learned Special Government Pleader would submit that the 1st respondent, who is the competent authority to consider the appeal petition of the petitioner so as to release the vehicle, may be directed to dispose of the said appeal of the petitioner within a time frame.

6. Considering the facts and circumstances of the case, this Court directs the respondents to release the vehicle bearing Regn. No.TN 75 J 1576 on the following conditions:-

(i) The 1st respondent shall consider the appeal dated 14.08.2015 preferred by the petitioner and pass appropriate orders on the same with regard to release of the vehicle so seized, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

(ii) The 2nd respondent is directed to return the vehicle belonging to the petitioner as an interim custody pending disposal of the appeal subject to, the petitioner effects payment of 50% of the demand within a period of two weeks from the date of receipt of a copy of this order.

(iii) The petitioner shall produce all the documents before the 2nd respondent to establish the ownership of the vehicle in question.

(iv) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the first respondent.

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(vi) In case of violation of any one or more conditions by the petitioner, it is open to the the 2nd respondent to initiate appropriate action for the seizure of vehicle.

(viii) The respondents are at liberty to take appropriate action pursuant to the decisions taken in the appeal.

7. The writ petition is disposed of with the above directions. No costs. Consequently, connected MP is closed.

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

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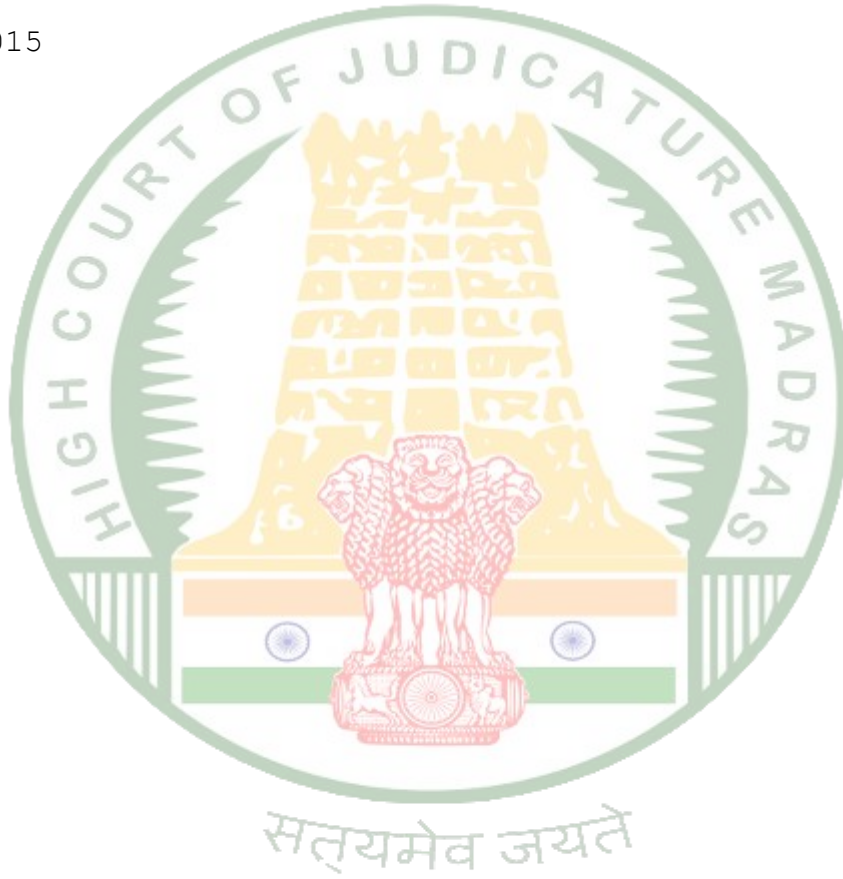
- 1.The District Collector, District Collector's Office, Krishnagiri, Krishnagiri District.
- 2.The Sub Collector, Sub Collector's Office, Hosur, Krishnagiri District.

3.The Regional Transport Officer, Hosur, Krishnagiri,
Krishnagiri District.

+1 cc to Mr.M.D.Thirunavukkarasu, Advocate sr.46777

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