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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.06.2015

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD).No.10336 of 2015

U.Arul Jegan

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub-Collector,
Cheranmahadevi, Tirunelveli District.

3.The Special Deputy Tahsildar,
Mines and Minerals,
Office of the Assistant Director of Mines,
Tirunelveli District.

4.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to release the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing its Reg.No.TN-72-AZ-3165.

For petitioner : Mr.S.Balaji
For respondents : Mr.V.Muruganandham
Addl.Govt.Pleader

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to release the Ashok Leyland Tipper Lorry bearing its Reg.No.TN-72-AZ-3165 to the petitioner.

2. Mr.V.Muruganandham, learned Addl.Govt.Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4. The learned counsel appearing for the petitioner would bring to the notice of this Court that in similar circumstances, this Court considered the issue involved in this Writ Petition in W.P.(MD).No.3675 of 2014 and ordered to release the vehicle therein. Subsequently also, the same issue was considered in W.P.(MD).No.7614 of 2014 dated 29.04.2014 and vehicle therein was released with certain conditions.



5. The learned Addl.Govt.Pleader has not refuted the said submission of the learned counsel appearing for the petitioner. However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.

6. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and the rain, it would certainly lose its value, the fourth respondent is directed to release the vehicle in question to the petitioner on the following conditions:-

"(i) The petitioner shall produce necessary documents before the fourth respondent to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with the third respondent;

(iii) The petitioner shall give an undertaking before the fourth respondent that he will not use the vehicle or any other vehicle for any illegal activities and also he will not indulge in such activities in future ;

(iv) The vehicle shall be produced by the petitioner to the respondents as and when required.

After fulfilling all the four conditions, the fourth respondent shall release the vehicle in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicle in question till the disposal of the proceedings before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioner, in case, he violates any one of the conditions stipulated in this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

\\True copy\\

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
 - 2.The Sub-Collector,
Cheranmahadevi, Tirunelveli District.
 - 3.The Special Deputy Tahsildar,
Mines and Minerals,
Office of the Assistant Director of Mines,
Tirunelveli District.
 - 4.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.
- +1cc to Mr.S.Balaji, Advocate Sr.No.33359