



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.07.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD).No.10969 of 2015

Jebarson

... Petitioner

Vs

1.The Revenue Divisional Officer/The Sub-Collector,
Cheranmahadevi, Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk
Tirunelveli District.

3.The Inspector of Police,
Kalakadu 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 bearing its Reg.No.TN 55 R 6615 and TN 69 U 8032 which was seized by the 3rd respondent on 09.01.2015 and kept under under the custody of the 1st respondent.

For petitioner : Mr.C.K.M.Appaji

For respondents : Mr.Aayiram K.Selvakumar
Addl.Govt.Pleader

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to release the Tractor and Trailer bearing Reg.Nos.TN 55 R 6615 and TN 69 U 8032 to the petitioner.

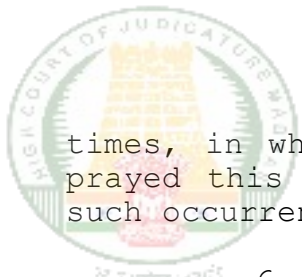
2. Mr.Aayiram K.Selvakumar, learned Addl.Govt.Pleader takes notice for the respondents.

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.5675 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.

<https://hcservices.ecourts.gov.in/hcservices/>

5. *Per contra*, the learned Addl.Govt.Pleader would submit that the petitioner is the habitual offender. On earlier occasions, atleast, the petitioner had involved the very same crime of this nature for four



times, in which, he had paid the fine amount for two times. However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.

6. It is brought to the light of this Court that the petitioner is the habitual offender and therefore, this Court can not take it lightly since the natural resources cannot be allowed to be exploited in a discriminate manner. In view of objection of the learned Additional Government Pleader and in view of the undertaking by the learned Counsel for the petitioner that the petitioner will not use this vehicle as well as any other vehicles to smuggle the sand, the third 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 third respondent to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with the first respondent;

(iii) The petitioner shall give an undertaking before the first and the third respondents 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 third respondent shall release the vehicle in question to the petitioner with a specific undertaking from him 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 if the petitioner again involves in smuggling of sand, the first respondent is directed to take note of it and pass appropriate orders to see that such occurrence is not repeated by the miscreants in future. Further, 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

/True Copy/

Sub Assistant Registrar

To

- 1.The Revenue Divisional Officer/The Sub-Collector,
Cheranmahadevi, Tirunelveli District.
 - 2.The Tahsildar, Nanguneri Taluk Tirunelveli District.
 - 3.The Inspector of Police, Kalakadu Police Station,
Tirunelveli District.
- +1cc to M/S.C.K.M.Appaji, Advocate in SR.No 35269
+1cc to Special Government Pleader in SR.No. 35451.