

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.14781 of 2016

K.Kumar

... Petitioner

vs.

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondent to release the Tipper Lorry bearing Registration No. TN-22-AH-3337 seized by the Assistant Director of Mines, Thiruvannamalai, Thiruvannamalai District on 15.03.2016 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Zakir Hussain
Govt. Advocate

ORDER

The petitioner has filed the present writ petition for a Mandamus to direct the respondent to release the Tipper Lorry bearing Registration No. TN-22-AH-3337 seized by the Assistant Director of Mines, Thiruvannamalai, Thiruvannamalai District on 15.03.2016 to him.

2. It is the case of the petitioner that he purchased the Tipper Lorry bearing Registration No. TN-22-AH-3337 from one Arumugam on 28.12.2015 with great difficulty and the same is being used for hire and the same was entrusted to his driver with strict instructions to use the said vehicle for lawful purpose. While so, on 15.03.2016, when the said Tipper Lorry was engaged in transporting one load of Gravel for the construction work, along with valid documents, the same was seized by the Assistant Director of Mines, Thiruvannamalai District, at Mangal, SIPCOT. On coming to know about the same, the petitioner approached the respondent and made a representation dated 11.04.2016 requesting to release his lorry. However, till date,

no order has been passed by the respondent. Therefore, he has filed the present writ petition for the above stated relief.

3. Mr.C.Prakasam, learned counsel appearing for the petitioner submitted that in similar circumstances, this Court in W.P.No.23567/2013 dated 23.8.2013, had directed the respondent therein to release the vehicle imposing conditions stated therein.

4. Mr.A.Zakir Hussain, learned Government Advocate appearing for the respondent submitted that the vehicle can be released on the same terms and conditions in the order passed in W.P.No.23567 of 2013 dated 23.8.2013.

5. Having regard to the submissions made by the learned counsel on either side, this Court is inclined to release the vehicle in question. Accordingly, the respondent is directed to release the Tipper Lorry bearing Registration No. TN-22-AH-3337, however, subject to the following conditions :-

"(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash before the respondent.

(ii) The petitioner shall produce the documents relating to the ownership of the vehicle.

(iii) The petitioner shall file undertakings that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within two days.

(v) The respondent is directed to pass final orders in the adjudication proceedings, within a period of four months.

(vi) This order for release of the vehicle can be availed of by the petitioner if no criminal case is pending against the alleged delinquency. If any criminal case is pending, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law."

6. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rk

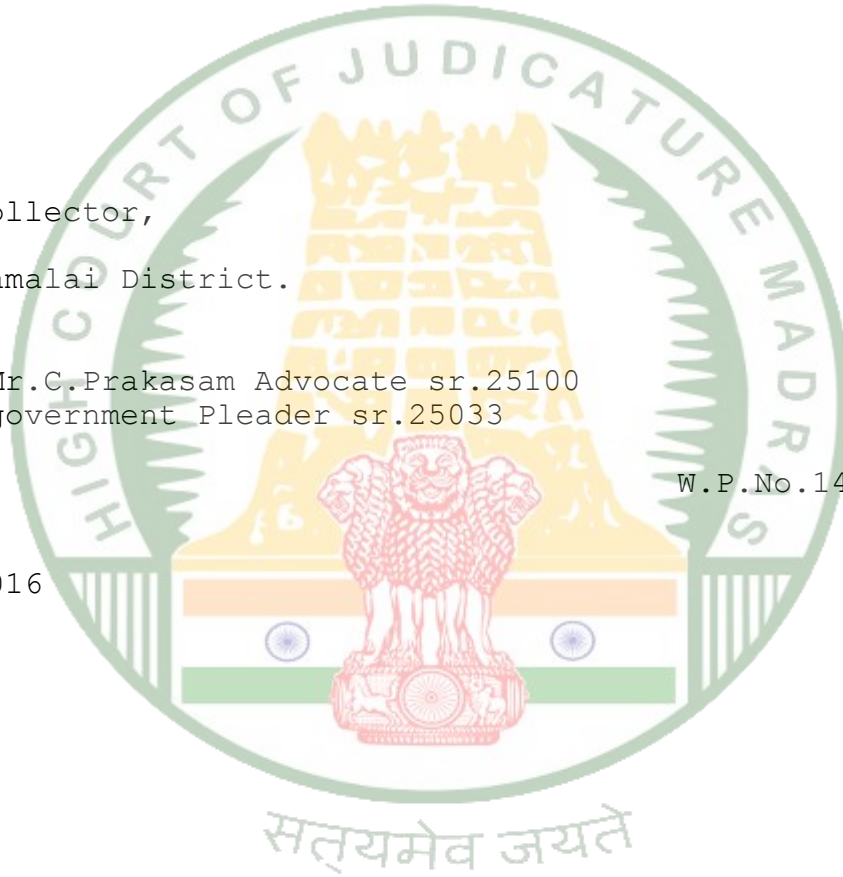
To

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

+1 cc to Mr.C.Prakasam Advocate sr.25100
+1 cc to government Pleader sr.25033

W.P.No.14781 of 2016

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