

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18099 of 2016

S.Raja

... Petitioner

Vs.

The Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram,
Kancheepuram District.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent to consider the petitioner's representation dated 12.04.2016 and release his lorry bearing Registration No.TN-20-AM-6124 seized by the respondent on 08.04.2016.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.P.Sanjay Gandhi, AGP

O R D E R

The petitioner has filed the present writ petition for a Mandamus to consider his representation dated 12.04.2016 and release his lorry bearing Registration No.TN-20-AM-6124 seized by the respondent on 08.04.2016.

2. The case of the petitioner is that he is the owner of the Ashok Leyland Lorry bearing Registration No.TN-20-AM-6124, which is used as common carrier and for agricultural purpose. He is eking out his livelihood only by plying the said vehicle and he has no other source of income to maintain his family. While so, on 07.04.2016, he handed over the vehicle to his driver Dhanakodi and instructed him to use the same only for lawful purpose. However, on 08.04.2016, the vehicle was seized by the respondent on its way at M.P.D Road, N.H. near Vellaigate Bridge on the ground that the petitioner's driver has transported illegal sand from the lake. On coming to know about the same, on 11.04.2016, the petitioner approached the respondent and requested to release the vehicle. As there was no response, he

made a written representation dated 12.04.2016 to the respondent to release the vehicle in question and the said representation is pending without any progress. Therefore, the present writ petition came to be filed.

3. Mr.E.Kannadasan, learned counsel appearing for the petitioner submitted that in similar circumstances, this Court in W.P.No.7803/2016 dated 11.03.2016, had directed the respondent therein to release the vehicle imposing certain conditions stated therein.

4. Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who took notice for the respondent submitted that the vehicle can be released on the same terms and conditions as stated in the order passed in W.P.No.7803/2016 dated 11.03.2016.

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 lorry bearing Registration No.TN-20-AM-6124, 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 an undertaking 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 three days.

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

(vi) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of the criminal court. 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.

rk

s/d-
Assistant Registrar(CS-VI) /
Vacation Officer.

True Copy

Sub-Assistant Registrar

To

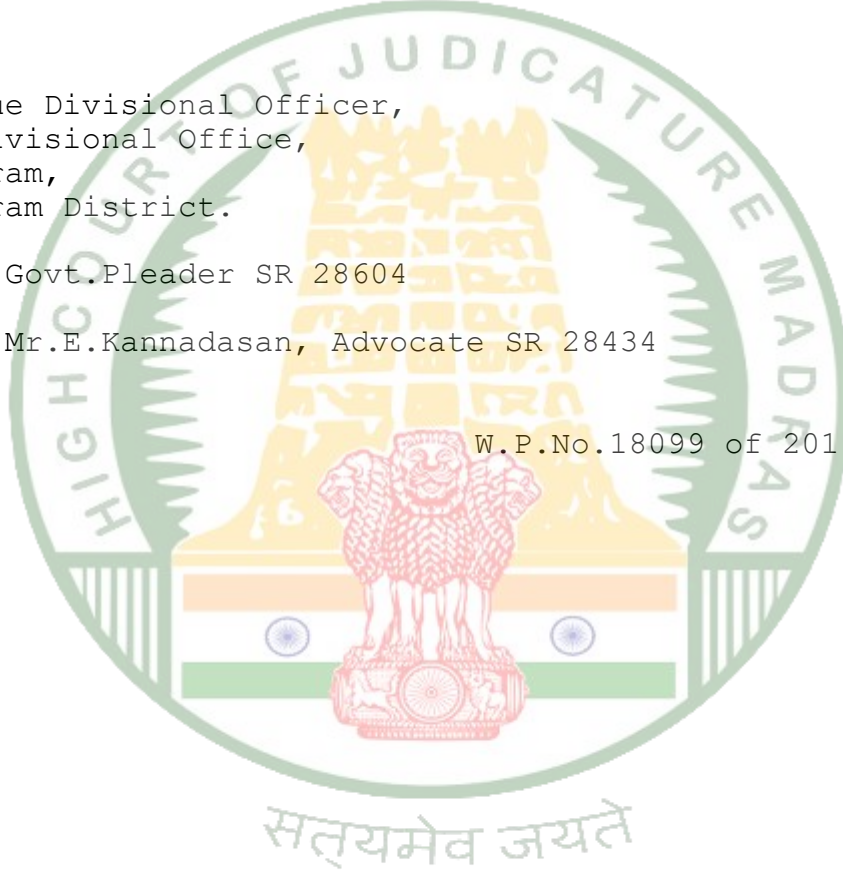
The Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram,
Kancheepuram District.

+ 1 cc to Govt.Pleader SR 28604

+ 1 cc to Mr.E.Kannadasan, Advocate SR 28434

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