

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.20456 of 2016

R.Suresh

.. Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Cheyyar Taluk,
Thiruvannamalai District.
 - 2.The Tahsildar,
Vembakkam Taluk,
Thiruvannamalai District.
 - 3.The Inspector of Police,
Dusi Police Station,
Vembakkam Taluk,
Thiruvannamalai District.
- .. Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of mandamus to direct the respondents to release the seized lorry registration No.TN 10/L 3555 seized on 13.5.2016 by the second respondent of the petitioner.

For Petitioner : Mr.E.Martin Jayakumar
For Respondents : Mr.S.Diwakar, Spl.G.P.

ORDER

Heard Mr.E.Martin Jayakumar, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader, accepting notice for the respondents.

2 The petitioner has filed the above writ petition seeking for the issuance of writ of mandamus to direct the respondents to release the seized Lorry, bearing registration No.TN 10 L 3555 seized on 13.05.2016 by the second respondent.

3 It is the case of the petitioner that the vehicle was engaged by the Contractor, who has been permitted to fill the basement of the houses being constructed by the Contractor. While being so, the second respondent intercepted and seized the vehicle accusing of having stolen sand from the lake and now the vehicle is under the custody of the third respondent. After the seizure of the petitioner's vehicle, the petitioner gave a representation on 16.05.2016. However, the

vehicle has not been released by the respondents. Further, the learned counsel for the petitioner submitted that this Court, in similar circumstances in W.P.No.16994 of 2016 by the order dated 29.04.2016, directed the respondents to release the vehicle imposing the following conditions:

(i) The petitioner shall produce documents before the respondent to establish the ownership of the vehicle in question.

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) with the respondent.

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

(iv) On doing so, the Lorry in question shall be returned to the petitioner.

(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 respondent to initiate appropriate action for the seizure of the vehicle.

(vii) The respondent is at liberty to take appropriate action pursuant to the decisions taken in the proceedings.

4.Mr.S.Diwakar, learned Special Government Pleader, who takes notice for the respondents submitted that the vehicle can be released on similar conditions as specified in the order made in W.P.No.16994 of 2016 dated 29.04.2016.

5.In view of the submissions made by the learned counsel on either side, this court directs the respondents to release the seized Lorry bearing Registration No.TN 10 L 3555 seized on 13.05.2016 by the second respondent on the following conditions:

(i) The petitioner shall produce documents before the concerned respondent to establish the ownership of the vehicle in question.

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) with the concerned respondent.

(iii) 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 respondents.

(iv) On doing so, the Lorry in question shall be returned to the petitioner.

(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 respondents to initiate appropriate action for the seizure of the vehicle.

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

After the fulfillment of the conditions imposed in this Writ Petition, the respondents are directed to release the vehicle within three days thereafter.

6. With these observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Revenue Divisional Officer,
Cheyyar Taluk,
Thiruvannamalai District.
2. The Tahsildar,
Vembakkam Taluk,
Thiruvannamalai District.
3. The Inspector of Police,
Dusi Police Station,
Vembakkam Taluk,
Thiruvannamalai District.

+1cc to M/s. E. Martin Jayakumar, Advocate, S.R.No.33653
+1cc to the Government Pleader, S.R.No.33725

SNS (CO)
EU(23/06/2016)

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