



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No. 17198 of 2016

WEB COPY

M. Muniyandi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Sattur,
Virudhunagar District.
2. The Regional Deputy Tahsildar,
Rajapalayam,
Virudhunagar District.
3. The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release forthwith the 2 Tipper Lorries bearing Registration Nos. TN 67 AQ 6832 and TN 67 AQ 6834 respectively and one JCB bearing Registration No. TN 84 C 3062.

For Petitioner	: Mr. T. Cibi Chakraborty
For Respondents	: Mr. K. P. Krishnadoss
	Government Advocate

ORDER

This Writ Petition is filed seeking a direction to release the the 2 Tipper Lorries bearing Registration Nos. TN 67 AQ 6832 and TN 67 AQ 6834 and one JCB bearing Registration No. TN 84 C 3062.

2. According to the petitioner, he is the owner of the abovesaid vehicles and on 28.08.2016, the third respondent seized the vehicles and kept it in his custody. On 02.09.2016, he made a representation to the respondents seeking to release the vehicles, but so far the third respondent is not releasing the vehicle and keeping it in his custody.

3. The learned Government Advocate on instruction submitted that on receipt of an information that illegal quarry is being carried on in a Kanmai, respondents 2 and 3 along with team of officers inspected the site and found that a JCB is used in loading stone in the tipper lorries. Hence, the seized both the tipper lorries as well as JCB and handed over to the first respondent.



4. In similar circumstances, this Court has passed an order in W.P(MD)No.12365 of 2016, dated 14.07.2016, releasing the lorry with some conditions.

5. In view of the above, this Writ Petition is also disposed of with the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) in cash before the first respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondents (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration Nos.TN-67-AQ-6832, TN-67-AQ-6834 and TN-84-C-3062 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) The first respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;

(f) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(g) Inasmuch as the Vehicles bearing Registration Nos.TN-67-AQ-6832, TN-67-AQ-6834 and TN-84-C-3062 are seized by the First Respondent on 28.08.2016, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

Sd/
Assistant Registrar(P&A)



To

1.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2.The Regional Deputy Tahsildar,
Rajapalayam,
Virudhunagar District.

3.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

+1cc to M/S.T.Cibi Chakraborty, Advocate in SR.No.51878

W.P(MD)No.17198 of 2016
12.09.2016

sj

PA/SK-SKN/SAR III/21.09.2016/3P/5C