



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.17646 of 2016

Sundeeep Kumar

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Ettaiyapuram,
Tuticorin District.

4.The Inspector of Police,
Ettaiyapuram Police Station,
Tuticorin 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 respondent to release the vehicle namely Tipper Lorry bearing its registration No. TN 69 BA 9025 forthwith.

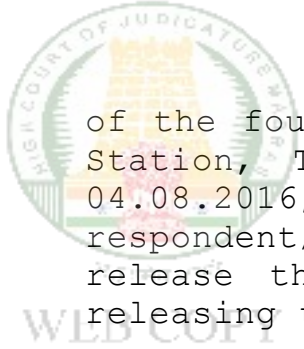
For Petitioner
For Respondents

: Mr.M.Pitchai Muthu
: Mr.K.P.Krishna Doss
Government Advocate

ORDER

This Writ Petition is filed seeking a direction to release the the petitioner's vehicle namely Tipper lorry bearing its Registration No.TN 69 BA 9025 forthwith.

2.According to the petitioner, he is the owner of the abovesaid vehicle and on 04.08.2016, the third respondent/tahsildar, Ettaiyapuram, Tuticorin District conducted a search, seized the vehicle and handed over the same to the custody



of the fourth respondent/Inspector of Police, Ettaiyapuram Police Station, Tuticorin District. On the same day itself I.e on 04.08.2016, the petitioner made a representation to the second respondent/Revenue Divisional Officer, Kovilpatti, seeking to release the vehicle, but so far the second respondent is not releasing the vehicle.

3.The learned Government Advocate on instructions submitted that on receipt of an information that illegal quarry is being carried on, respondent No. 3 along with team of officers inspected the site and found that the above lorry was used to carry the limestone more than the actual permit. Hence, the third respondent has seized the above lorry and handed over the same to the custody of the fourth 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 respondent (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 No. TN 69 BA 9025 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 Vehicle bearing Registration N. TN 69 BA 9025 is seized by the third Respondent on 04.08.2016, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

No costs.

Sd/
19.09.2016

**(*) Amended as per order
dated 04.10.2016. Made in
WP (MD) 17646/2016.**

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To
**Substitute the order copy already
despatched on 27.09.2016**

1. The District Collector, Tuticorin District,
Tuticorin.
2. The Revenue Divisional Officer, Kovilpatti,
Tuticorin District.
3. The Tahsildar, Ettaiyapuram,
Tuticorin District.
4. The Inspector of Police,
Ettaiyapuram Police Station,
Tuticorin District.

+1 cc to MR.M.PITCHAI MUTHU, Advocate Sr.No.58492
+1 cc to Special Government Pleader Sr.No.53973

**W.P (MD) No.17646 of 2016
19.09.2016**

SMA/GSV-PM/27/09/2016 :3P/7C