



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

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CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No. 22612 of 2016

B. Jeyasingh Moses

... Petitioner

Vs.

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Assistant Director of
Geology and Mining,
Kanyakumari District.

3. The Revenue Divisional Officer,
rep. By Sub-Collector,
Office Incharge,
Takkalai,
Kanyakumari District.

4. The Tahsildar,
Kalkulam Taluk,
Kanyakumari 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 the Tipper bearing Registration No. TN-75-E-3580 which was seized by the third respondent without any valid authority on 06.11.2016 at 7.00 a.m from Thiruvattar and stationed in third respondent's office within the period stipulated by this Court.

For Petitioner : Mr. G. Radhakrishnan

For Respondents : Mr. R. Anandharaj
Government Advocate

ORDER

This Writ Petition is filed seeking a direction to release the the petitioner's vehicle namely, Tipper bearing Registration No. TN-75-E-3580 forthwith.



2. According to the petitioner, he is the owner of the abovesaid vehicle and on 06.11.2016, the third respondent seized the vehicle and kept it in his custody. On 11.11.2016, he made a representation to the respondents seeking to release the vehicle, but so far the third respondent is not releasing the vehicle and keeping it in his custody.

3. The learned Government Advocate on instructions submitted that on receipt of an information that illegal quarry is being carried on, respondents 2 and 3 along with team of officers inspected the site and found that the above lorry is used to carry the sand without any valid permit. Hence, the third respondent has seized the above lorry and kept in his custody.

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.25,000/- (Rupees twenty five Thousand only) in cash before the third 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 third respondent is directed to release the seized vehicle Tipper bearing Registration No.TN-75-E-3580 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 third 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 for 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 Tipper bearing Registration No.TN-75-E-3580 is seized by the third Respondent on 06.11.2016, 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/
Assistant Registrar(A.S.,)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,Nagercoil,Kanyakumari District.

2.The Assistant Director of Geology and Mining,
Kanyakumari District.

3.The Revenue Divisional Officer, rep. By Sub-Collector,
Office Incharge, Takkalai,Kanyakumari District.

4.The Tahsildar,Kalkulam Taluk,Kanyakumari District.

+1cc to M/s.G.Radhakrishnan, Advocate, in SR No.72277.

+1cc to Special Government Pleader in SR.No.72476.

W.P(MD)No.22612 of 2016
24.11.2016

cm

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