



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.03.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.3593 of 2016

WEB COPY

S.Arul Rajan

..Petitioner

Vs.

1.The Sub Collector,
Cheranmahadevi Sub Division,
Tirunelveli District.

2.The Special Deputy Tahsildar (Mines),
Tirunelveli.

3.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the Petitioner's vehicle viz., Tipper Lorry (Ashok Leyland) bearing its Registration No.TN 55 X 7017.

For Petitioner : Mr.R.Anand

For Respondents : Mrs.S.Bharathi,
Government Advocate

ORDER

Mrs.S.Bharathi, learned Government Advocate takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

2. This writ petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to release the Petitioner's vehicle viz., Tipper Lorry (Ashok Leyland) bearing its Registration No.TN 55 X 7017, which was seized on 06.02.2016 by the third respondent on the ground of illegal transportation of sand.

3. The learned Counsel appearing for the petitioner would bring to the notice that in similar circumstances, this Court considered the issue involved in the Writ Petition in W.P.(MD)No.13953 of 2015 and ordered to release the vehicle with certain conditions.

4. The learned Additional Government Pleader has not refuted the said submission of the learned Counsel appearing for the petitioner. However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.

5. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and rain, it would certainly lose its value, the respondents are directed to release the vehicle in question to the petitioner on the following conditions:

(i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten

Thousand Only) with the first respondent within a period of one week from the date of receipt of a copy of this order;

(ii) On deposit of the said amount, the first respondent is directed to release the vehicle on the following conditions:

(a) The petitioner shall produce necessary documents before the first respondent to prove his ownership of the vehicle in question;

(b) The petitioner shall execute an affidavit undertaking that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him.

(iii) The respondents are at liberty to initiate proceedings against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceedings has to be taken within a period of three months from the date of receipt of a copy of this order. If no proceeding is initiated against the petitioner within the said period, the amount deposited by him shall be returned to him.

(v) The petitioner shall abide by the orders passed by the authority concerned or the respondents.

6. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO) I/C

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Sub Collector, Cheranmahadevi Sub Division,
Tirunelveli District.

2.The Special Deputy Tahsildar (Mines), Tirunelveli.

3.The Inspector of Police, Panagudi Police Station,
Tirunelveli District.

+1cc to M/s.R.Anand, Advocate in SR.11976

+1cc to the Special Government Pleader, in SR.11822

W.P (MD) No.3593 of 2016
01.03.2016

gcg

PBK/GSV-PM/SAR-I 04/03/2016 ::2P-6C::