



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.5671 of 2016

Yamuna

... Petitioner

Vs.

1.The Revenue Divisional Officer /
Usilampatti,
Madurai District.

2.The Tahsildar,
(Mines and Mineral),
Peraiyur Taluk,
Madurai 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 Tractor bearing Registration No. TN 60 W 0846 and its Trailor bearing Registration No. TN 60 F 3661 seized on 05.03.2016 by the Respondents to the petitioner.

For Petitioner : Mr.S.Krishnan
For Respondents : Mr.S.Chandrasekar,
Government Advocate

ORDER

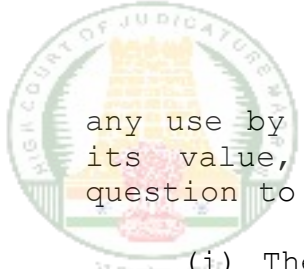
Mr.S.Chandrasekar, learned Government Advocate takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

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., Tractor bearing Registration No. TN 60 W 0846 and its Trailor bearing Registration No. TN 60 F 3661 which were seized on 05.03.2016 by the respondents 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 Government Advocate 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 also considering the fact that the vehicle in question is being kept without



any use by exposing it to the sun and rain, which 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.25,000/- (Rupees Twenty Five Thousand Only) with the first respondent within a period of four weeks 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 undertaking affidavit 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.

(iv) 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. Consequently, connected M.P is closed.

Sd/
Assistant Registrar(R)

/True Copy/

Sub Assistant Registrar.

To

1. The Revenue Divisional Officer /
Usilampatti,
Madurai District.

2. The Tahsildar,
(Mines and Mineral),
Peraiyur Taluk,
Madurai District.

+1CC to M/S.S.Krishnan, Advocate, SR.No. 16121

W.P (MD) No. 5671 of 2016
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