

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

THE Hon'ble Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.5021 & 5022 of 2017

Vasu ...PETITIONER in WP No.5021 of 2017
Saravanan ...PETITIONER in WP No.5022 of 2017

Vs

The Revenue Divisional Officer,
O/o. District Revenue Office,
Kancheepuram,
Kancheepuram District. ... RESPONDENT in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondent to release the Tipper Lorry bearing Registration Nos.T.D.D.7677 & TN-20-AM-9237 seized by the respondent on 15.02,2017, to the petitioners.

For Petitioners : Mr.C.Prakasam
in both WPs

For Respondents : Mr.R.Venkatesh
in both WPs Govt. Advocate

COMMON ORDER

The petitioners have filed these writ petitions praying for a direction to the respondent to release the Tipper Lorry bearing Registration Nos.T.D.D.7677 & TN-20-AM-9237, which had been seized by the respondent on 15.02.2017, to him.

2. It is the case of the petitioners that they are the owners of the Tibber Lorries bearing Regn.Nos.T.D.D.7677 & TN-20-AM-9237 and the vehicles are being used for hire. While so, on 15.02.2017, when the Tipper Lorries was transporting one load of sand for construction work, the respondnet came and seized the said Tipper Lorries.

3. According to the petitioners, there is no necessity or requirement for getting permission from the respondent for transporting the sand which was purchasedas second sale and hence the seizure is illegal and arbitrary. The petitioners made

a representation dated 17.02.2017 to the respondent seeking release of the vehicles. Since no action has been taken by the respondent, the petitioners have filed the present writ petitions.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent.

5. According to the learned counsel for the petitioners, the vehicles are kept in open weather, by which, the same are getting damaged.

6. In view of the same, this Court directs the respondent to release the Tipper Lorry bearing Registration Nos.T.D.D.7677 & TN-20-AM-9237 on the following conditions:-

(i) The petitioners shall deposit a sum of Rs.25,000/- each (Rupees twenty five thousand only) in cash with the respondent.

(ii) The petitioners shall produce documents before the respondent to establish the ownership of the vehicles/properties in question.

(iii) The petitioners shall file an undertaking that they will produce the vehicles/properties in question before the respondent as and when called for and that they will not alienate the vehicles/properties in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicles/properties to the petitioners within two days.

(v) The respondent shall proceed with the enquiry and pass appropriate orders. The petitioners are also directed to appear and co-operate with the enquiry.

(vi) This order for release of the vehicles/properties can be availed of by the petitioners if no criminal case is pending. If any criminal case is pending, it is open to the petitioners to approach the jurisdictional Magistrate to get release of the vehicles/property by filing appropriate application and the same can be considered in accordance with law.

7. The writ petitions are disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

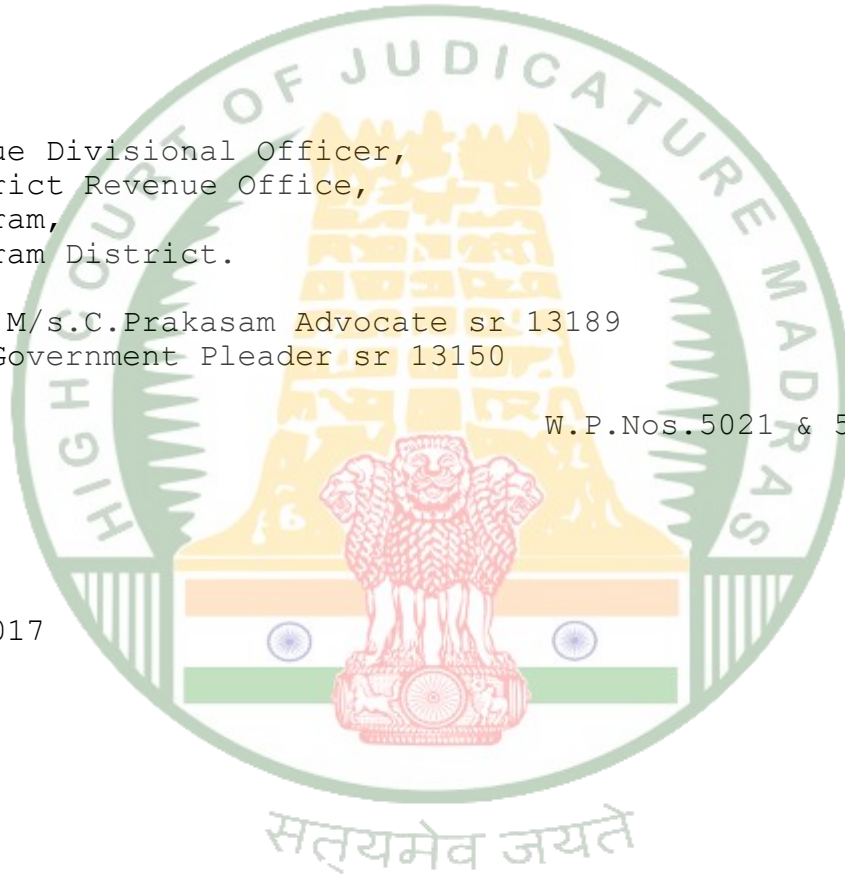
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To

The Revenue Divisional Officer,
O/o. District Revenue Office,
Kancheepuram,
Kancheepuram District.

+2 ccs to M/s.C.Prakasam Advocate sr 13189
+1 cc to Government Pleader sr 13150

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