

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2017

CORAM

THE Hon'ble Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.5050 of 2017

K.Gunasekaran

... PETITIONER

Vs

1. The District Collector,
Office of the Collectorate
Villupuram District at Villupuram.

2.The Revenue Divisional Officer,
Thirukovilur,
Villupuram District.

... RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents to release the petitioner's vehicle bearing Registration No.TN-02-C 5060 forthwith.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.R.Venkatesh
Govt. Advocate

O R D E R

The petitioner has filed this writ petition praying for a direction to the respondents to release the petitioner's vehicle bearing Registration No.TN-02-C 5060 forthwith.

2. According to the petitioner, he is the owner of the vehicle bearing Registration No.TN-02-C 5060 and he has been using the vehicle for transportation of minor minerals for which he possess valid license. The petitioner is permitted to transport pebbles and the lease period is between 16.04.2015 to 15.04.2017. While so, on 14.02.2017, the respondents seized the vehicle and a seizure mahazar was drawn alleging that the transportation was without permission despite production of permit slip and Appendix XII Form. The petitioner's request for release of the vehicle was failed to be considered with ulterior motive and that of extraneous consideration. Hence, he has

filed the above writ petition for the aforesaid relief.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. Taking into consideration the relief sought for, the respondent is directed to release the vehicle bearing Regn.No.TN-02-C 5060 on the following conditions:-

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

(ii) The petitioner shall produce documents before the respondent to establish the ownership of the vehicle/property in question.

(iii) The petitioner shall file an undertaking that he will produce the vehicle/property in question before the respondent as and when called for and that he will not alienate the vehicle/property in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle/property to the petitioner within two days.

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

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

5. The writ petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

To

1. The District Collector,
Office of the Collectorate
Villupuram District at Villupuram.

2.The Revenue Divisional Officer,
Thirukovilur,
Villupuram District.

+1 cc to Government Pleader sr 13544

+1 cc to Mr.L.Chandrakumar Advocate sr 13220

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