

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.8397 of 2017

T.Selvi

.. Petitioner

Vs.

1. The state of Tamil Nadu rep. by its  
Revenue Divisional Officer,  
Thirukazhukundaram,  
Kancheepuram District.
2. The Inspector of Police,  
E-2, Thirukazhukundaram Police Station,  
Thirukazhukundram,  
Kancheepuram District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to forthwith release the Tipper Lorry bearing registration No.TN-21-AY-4314 seized in Crime No.109/2017 to the petitioner herein.

For Petitioner : Mr.Vimal B.Crimson

For Respondents : Mr.C.Jagdish,  
Special Government Pleader

O R D E R

Mr.C.Jagdish, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the respondents to forthwith release the Tipper Lorry bearing registration No.TN-21-AY-4314 seized in Crime No.109/2017 to the petitioner herein.

3. It is stated that the above vehicle, Tipper Lorry was seized by the 2nd respondent on the allegation that the said vehicle was indulged in transporting sand in violation of certain provisions under the Tamil Nadu Minor Mineral Concession Rules, 1959.

4. Learned counsel for the petitioner submitted that there was no such violation and that the vehicle was seized all of a sudden and no notice or opportunity was given to the petitioner to put forth her case. He further submitted that as the vehicle is kept idle and exposed to sun and rain, it will cause damage to the vehicle and hence, prays for return of the vehicle.

5. Considering the fact that the vehicle was seized as early as on 01.03.2017 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand) before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order .

b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle/Tipper Lorry for verification of the authority in proof of such ownership.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the 1st respondent to initiate proceedings in accordance with law and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Revenue Divisional Officer,  
Thirukazhukundaram, Kancheepuram District.
2. The Inspector of Police,  
E-2, Thirukazhukundaram Police Station,  
Thirukazhukundram,  
Kancheepuram District.

+1cc to Mr.Vimal B Crimson, Advocate, S.R.No.21133

W.P.No.8397 of 2017

SKV(CO)  
RS(10/04/2017)

सत्यमेव जयते

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