

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.12758 of 2017

R.Manivannan

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

2.The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to release the tipper lorry bearing Registration No.TN-03-H-1957 which was seized by the second respondent on 21.04.2017 and thereby consider the representation dated 02.05.2017.

For Petitioner : Mr.G.Punniakoti

For Respondents : Mr.N.Sakthivel,
Government Advocate

ORDER

This writ petition is filed to direct the respondents to release the petitioner's tipper lorry bearing Registration No.TN-03-H-1957 which was seized by the second respondent on 21.04.2017, on the ground that the said lorry was used for transporting illegal sand.

2.In the affidavit filed in support of this writ petition, it is stated that the vehicle in question was seized by the second respondent alleging that the vehicle was used for transporting illegal sand. The petitioner made a representation to the first respondent on 02.05.2017 for release of the vehicle. Since no action is forthcoming, the petitioner has come up with the present writ petition.

3.Heard the learned counsel on either side.

4.Considering the facts and circumstances of the case and the submissions made on either side, I am of the opinion that if the seized vehicle is exposed to sun and rain, it would be losing its value. Also, appropriate orders are to be passed by the first respondent after giving due opportunity to the petitioner. Under such circumstances, I am inclined to direct the first respondent to release the vehicle in question to the petitioner, on the following conditions:

a)The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question;

b)The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with the first respondent;

c)The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the first respondent;

d)On doing so, the vehicle in question shall be returned to the petitioner;

e)The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

f)The first respondent shall proceed with the enquiry and pass appropriate orders. The petitioner is also directed to appear and cooperate with the enquiry.

g)This order for release of the vehicle 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 by filing appropriate application and the same shall be considered in accordance with law.

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

KM

To

1.The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

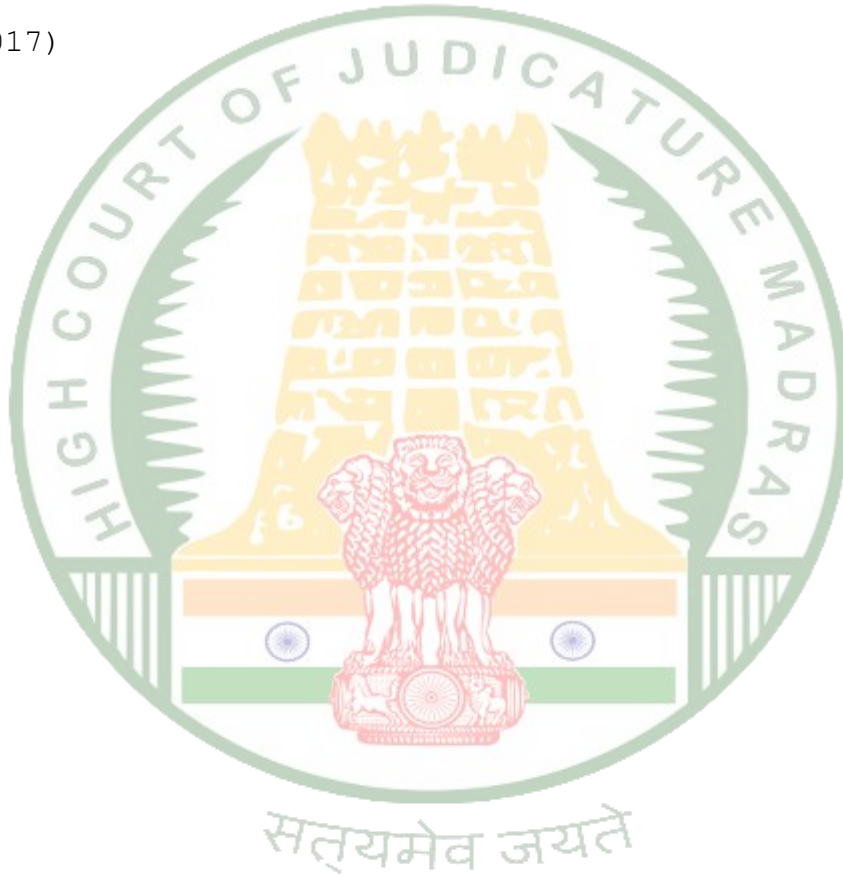
2.The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

+1cc to Mr.G.Punniyakotti,Advocate sr.37588

+1cc to Government Pleader sr.37795.

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gj (co)
ss (19/5/2017)



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