

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33858 of 2017

A.Latha

.. Petitioner

Vs.

1. The Revenue Divisional Officer,  
Madurantakam,  
Kancheepuram District.

2. The Assistant Director of Geology  
& Mines,  
Kancheepuram District.

.. Respondents

Prayer:

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 release forthwith to the petitioner her lorry bearing Registration No.TN 28 AB 4992 on the basis of the petitioner representation dated 13.12.2017.

For Petitioner: Mr.G.Magesh Kumar

For Respondent : Mr.P.V.Selvakumar  
Additional Government Pleader

सत्यमेव जयते  
O R D E R

Mr.P.V.Selvakumar, learned Additional 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 respondent to release the Lorry bearing Regn.No. No.TN 28 AB 4992 seized by the respondent on 12.12.2017.

3. It is stated that the above vehicle was seized by the respondents on 12.12.2017 on the allegation that the said vehicle was indulged in transporting illicit sand quarry.

Therefore, this Court, at this stage, is not expressing any view on the contentions made by the petitioner against the allegations made, as it is for the Adjudicating Authority to consider and decide. However, considering the fact that the vehicle was seized as early as on 12.12.2017 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 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 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 respondent 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 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.

(g) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in

accordance with law.

The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

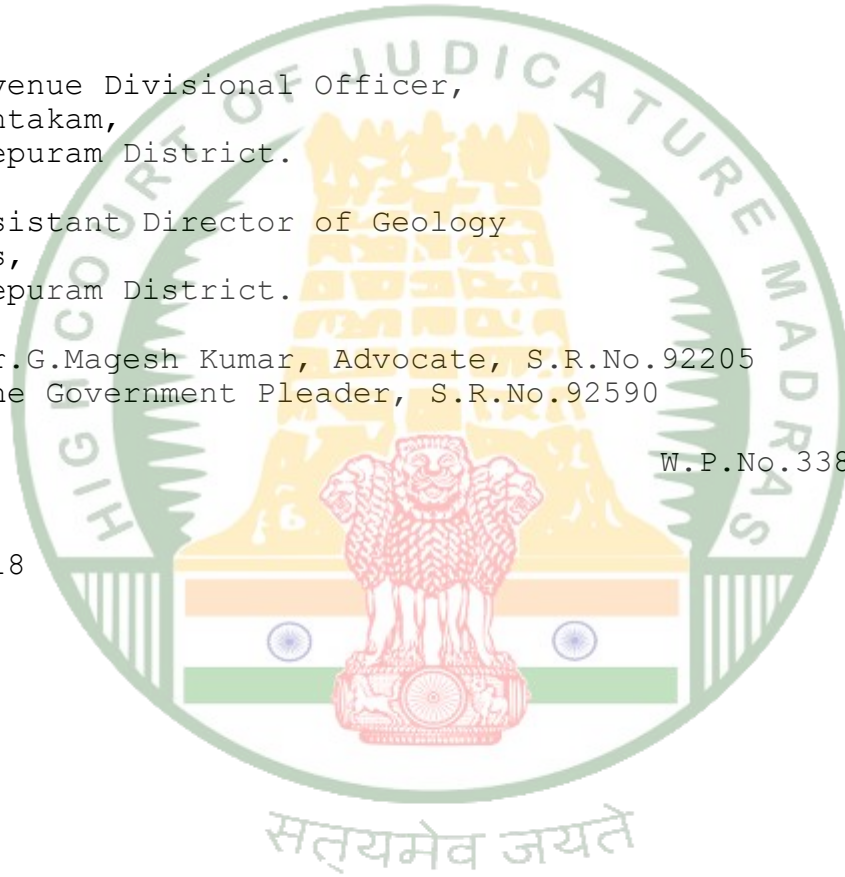
vri  
To

1. The Revenue Divisional Officer,  
Madurantakam,  
Kancheepuram District.
2. The Assistant Director of Geology  
& Mines,  
Kancheepuram District.

+1cc to Mr.G.Magesh Kumar, Advocate, S.R.No.92205  
+1cc to the Government Pleader, S.R.No.92590

W.P.No.33858 of 2017

GMR(CO)  
CS/12/01/18



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