



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) Nos.12850 to 12854 of 2017

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| 1. | M.George | ... Petitioner in W.P.(MD) | 12850/2017 |
| 2. | A.Kanagaraj | ... Petitioner in W.P.(MD) | 12851/2017 |
| 3. | R.Rajbino | ... Petitioner in W.P.(MD) | 12852/2017 |
| 4. | T.Stalin | ... Petitioner in W.P.(MD) | 12853/2017 |
| 5. | R.J.Rajesh | ... Petitioner in W.P.(MD) | 12854/2017 |

-vs-

The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalai,
Kanyakumari District.

... Respondent in all the
petitions

Prayer in W.P.(MD) No.12850 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the Petitioner's Tipper Tempo bearing Registration No.TN-72-J-2134 within the time stipulated by this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

Prayer in W.P.(MD) No.12851 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the Petitioner's Tipper Tempo bearing Registration No.TN-52-Z-1075 within the time stipulated by this Honble Court.

Prayer in W.P.(MD) No.12852 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent to release the Petitioner's Tipper Tempo bearing Registration No.TN-72-AC-9003 within the time stipulated by this Honble Court.

Prayer in W.P.(MD) No.12853 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the petitioner's Tipper Tempo bearing Reg.No.TN-75-E-4552 within the time stipulated by this Honble Court.

Prayer in W.P.(MD) No.12854 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent to release the Petitioner's JCB bearing Registration No.TN-75-J-1611 within the time stipulated by



this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioners : Mr.M.R.Sreenivasan
For Respondent : Mr.J.Gunaseelan Muthiah
Govt. Advocate

C O M M O N O R D E R

The petitioners seek for a Writ of Mandamus directing the respondents to release their vehicles, namely, Tipper Tempos bearing Registration Nos.TN-72-J-2134, TN-52-Z-1075, TN-72-AC-9003, TN-75-E-4552 and JCB bearing Registration No.TN-75-J-1611 from the custody of the respondent.

2. According to the petitioners, the seized vehicles were hired to transport sands, which got accumulated pursuant to the demolition of an old house and despite the explanation given by the drivers of the vehicles, the respondent has seized the vehicles.

3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondent that the vehicles were seized as the same were plied without valid papers, including registration certificate books and transport permits for transporting sand.

4. It is pertinent to mention here that this is not a usual case of illegal transportation of sand and only the debris on account of demolition of a house was transported in the vehicles. In any event, as the vehicles are under the custody of the respondent having been seized on 30.06.2017 and considering the fact that if the same are allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicles can be released by imposing certain conditions on the petitioners for release of the said vehicles.

5. Accordingly, the respondent is directed to release the vehicles in question to the petitioners within a period of 7 days subject to the following conditions:

"(i)The petitioners shall produce documents before the respondent under whose custody the vehicles are kept, to establish the ownership of the vehicles in question;

(ii)The petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per vehicle before the respondent herein;

(iii)The petitioners shall give an undertaking that they will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

