



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.14258 of 2017

M.Shaheela Umma

... Petitioner

Vs.

1. The District Collector
O/o.The District Collector
Korampallam,
Tuticorin District.
2. The Sub Collector,
O/o.The District Collector
Korampallam,
Tuticorin District.
3. The Deputy Director
Geology and Mining
O/o.The District Collector
Tuticorin District.
4. The Inspector of police
Alwarthirunagari Police Station,
Tuticorin District.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to return the two vehicles Ashok Leyland Multi Axle Goods Vehicles (Tipper) With Engine Number : HGEZ401012, Chassis Number : MB1HTDFDOHRFS5834, Diesel bearing registration number TN-72-BY-9837 and Engine Number : HGEZ400435, Chassis Number : MB1HTDFD3HEGX0633, Diesel bearing registration Number TN-72-BY-9852 to petitioner's interim custody on the basis of her representation dated 18.07.2017.

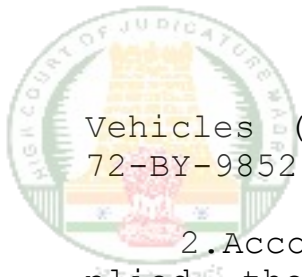
For Petitioner : M/s.P.Revathi

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner seeks for a Writ of Mandamus directing the respondents to release petitioner's Ashok Leyland Multi Axle Goods



Vehicles (Tipper) bearing registration Nos.TN-72-BY-9837 and TN-72-BY-9852 seized by the respondents.

2. According to the petitioner, even though the petitioner has plied the said vehicles with all relevant documents, the respondents seized the vehicles.

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicles were seized as it was plying without valid papers including registration certificate book and transport permit for transporting river sand.

4. In any event, as the vehicles are under the custody of the respondents having been seized and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before respondents, this Court is of the view that the vehicles can be released by imposing conditions on the petitioner for release of the said vehicles.

5. Accordingly, the respondents are directed to release the vehicles in question to the petitioner within a period of 7 days subject to the following conditions:

"(i) The petitioner shall produce documents before the respondents to establish the ownership of the vehicles in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) per vehicle before the third respondent herein;

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

(iv) On doing so, the vehicles in question shall be returned to the petitioner; and

(v) The petitioner shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned."

6. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

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Tuticorin District.
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Tuticorin District.
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Tuticorin District.
4. The Inspector of police
Alwarthirunagari Police Station,
Tuticorin District.

+1cc to M/s.P.Revathi, Advocate Sr.No.69066

+1cc to Spl.Government Pleader Sr.No.70201

RM/AR

VB/SV/AA/SAR4/08/08/2017/3P/7C

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