



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) Nos.14274 and 14275 of 2017

M.Periya Durai

... Petitioner in both writ petition

Vs.

1.The District Collector
Thoothukudi District,
Thoothukudi.

2.The Sub Collector,
Thoothukudi Sub Division,
Thoothukudi District.

3.Assistant Director
Mines and Geology Department,
Thoothukudi District.

4.The Inspector of police
Murappanadu Police Station,
Thoothukudi District.

...Respondents in both writ petition

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 4 to release petitioner's vehicles namely, Ashok Leyland Tipper bearing it's registration Nos.TN 92 3375 and TN 92 3372 forthwith.

For Petitioner : Mr.R.Anand

For Respondents : Mr.S.Kumar

Additional Government Pleader

C O M M O N O R D E R

The petitioner seeks for a Writ of Mandamus directing the respondents 2 to 4 to release his vehicles, namely, Ashok Leyland Tipper bearing Registration Nos.TN 92 3375 and TN 92 3372 from the custody of the respondents.

<https://hcservices.equagov.in/hcservices/> to the petitioner, even though the petitioner has plied the said vehicles with all relevant documents, the respondents seized the vehicle.



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

5. Accordingly, the respondents, more particularly respondents 2 to 4 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 under whose custody the vehicles are kept, 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 3rd respondent herein;

(iii) The petitioner 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;

(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.

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

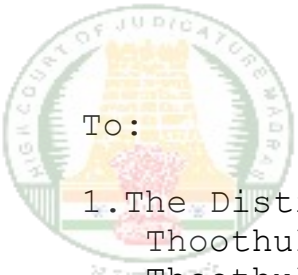
6. These Writ petitions are ordered accordingly. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar.



To:

1.The District Collector
Thoothukudi District,
Thoothukudi.

2.The Sub Collector,
Thoothukudi Sub Division,
Thoothukudi District.

3.Assistant Director
Mines and Geology Department,
Thoothukudi District.

4.The Inspector of police
Murappanadu Police Station,
Thoothukudi District.

+2CC to Mr.R.Anand, Advocate, SR.No. 69633,69632

+1CC to the Special Government Pleader SR.No.70191

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01.08.2017

rm/ar

KK/MMS/SAR 1/04.08.2017/3P/8C