



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.08.2017
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P. (MD) No.15794 of 2017

Selvaraj

... Petitioner

Vs.

1. The Assistant Director
Geology and Mining,
Madurai Region Flying Squad,
Madurai.
2. The Inspector of police
Sipcot Police Station,
Tuticorin,
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 release the vehicle of the petitioner Tipper Lorry bearing Registration No. TN-75-S-4817.

For Petitioner : Mr. K. Samidurai

For Respondents : Mr. S. Kumar

Additional Government Pleader

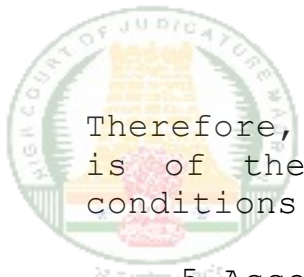
ORDER

The petitioner seeks for a Writ of Mandamus directing the respondents to release petitioner's Tipper Lorry bearing Registration No. TN-75-S-4817 seized on 05.07.2017. The custody of which is entrusted by the first respondent to the second respondent and to return the vehicle to him.

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

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

4. In any event, as the vehicle is under the custody of the second respondent having been seized on 05.07.2017 and considering the same, 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 the respondents, this Court is of the view that the vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.

5. Accordingly, the respondents are directed to release the vehicle 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 vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) before the Assistant Director, Geology and Mining, Madurai Region Flying Squad, Madurai;

(iii) 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 respondents;

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

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

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

Sd/-
Assistant Registrar (AD II)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Director
Geology and Mining,
Madurai Region Flying Squad,
Madurai.

2. The Inspector of police
Sipcot Police Station,
Tuticorin,
Tuticorin District.

+1 cc to Mr.K.Samidurai, Advocate, Sr No.73799
+1 cc to Special Government Pleader, Sr No.74240

SDS/SV MMS SAR1 24/08/2017 2P 5C

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