



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.16422 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.

3.The Revenue Divisional Officer,
Tuticorin, Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to release the vehicle of the petitioner Tipper Lorry bearing Registration No.TN-75-S-4817, which is entrusted to 2nd respondent herein within a time limit fixed by this Hon'ble High Court.

For Petitioner : Mr.K.Samidurai
For Respondents : Mr.J.Gunaseelan Muthiah
Govt. Advocate

O R D E R

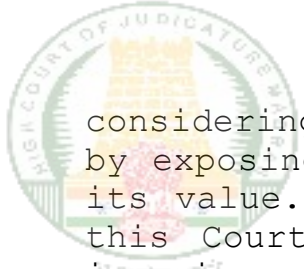
The petitioner seeks for a Writ of Mandamus directing the 3rd respondent to release the vehicle of the petitioner Tipper Lorry bearing Registration No.TN-75-S-4817, which is entrusted to 2nd respondent herein

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

3.On the other hand, it is submitted by the learned Government Advocate 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.

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

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 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 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 third respondent is directed to release the vehicle in question to the petitioner, which is entrusted to the second respondent for custody, within a period of 7 days, subject to the following conditions:

"(i) The petitioner shall produce documents before the third respondent 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 third respondent / Revenue Divisional Officer, Tuticorin, Tuticorin District;

(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 (Writs)

/True Copy/

Sub Assistant Registrar

To

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



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

WEB COPY

3.The Revenue Divisional Officer,
Tuticorin,
Tuticorin District.

+1cc to M/S.K.Samidurai, Advocate SR.No. 75684

+1cc to Special Government Pleader, SR.No. 76077, 75988

W.P. (MD) No.16422 of 2017
31.08.2017

rm/ar

JM/SKN RSK/SAR 4/04.09.2017/3P/6C