



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.17060 of 2017

and

W.M.P (MD) No.13629 of 2017

P.Selvam

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Usilampatti,
Madurai 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 petitioner's vehicle Tipper Lorry bearing Registration No.TN-46-K-1996 pending the Appeal preferred against the order passed by the second respondent Revenue Divisional Officer through proceedings in Na.Ka.5388/2017/A2 dated 02.08.2017 under Rule 36-c of the Tamil Nadu Minor Mineral Concession Rules 1959 on the file of the first respondent within the time period stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus directing the respondents to release petitioner's vehicle Tipper Lorry bearing Registration No.TN-46-K-1996 seized by the second respondent on 28.07.2017.

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 Special 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.

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4. In any event, as the vehicle is under the custody of the second respondent having been seized on 28.07.2017 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 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 second respondent;

(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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar



To

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Usilampatti,
Madurai District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 30434

rm

AE/KK/SAR1/12.09.2017/3P/4C

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