



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.17253 of 2017

P.Periasamy

... Petitioner

Vs.

1.The Revenue Divisional Officer
Thanjavur.

2.The Assistant Director of Geology and Mining,
Thanjavur.

3.The Tahsildar,
Thanjavur Taluk
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to release the petitioner's Tractor and Trailer bearing Registration No.TN-49-AL-9248 seized on 31.08.2017 by the second respondent, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

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

ORDER

The petitioner seeks for a Writ of Mandamus directing the first respondent to release petitioner's Tractor and Trailer bearing Registration No.TN-49-AL-9248 seized by the second respondent on 31.08.2017.

2.According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the second respondent seized the vehicle on 31.08.2017.

3.On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicle was seized ~~by the second respondent~~ without valid papers including registration certificate book and transport permit for transporting river sand.



4. In any event, as the vehicle is under the custody of the second respondent having been seized on 31.08.2017 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 first respondent, 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 second respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) before the first respondent herein;

(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 (Records)

/True Copy/

Sub Assistant Registrar.

To

1. The Revenue Divisional Officer, Thanjavur.

2. The Assistant Director of Geology and Mining, Thanjavur.

3. The Tahsildar, Thanjavur Taluk, Thanjavur District.

+1CC to Mr. T. Lenin Kumar, Advocate, SR.No.78447

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