



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.20225 of 2017

M.Kalpana Devi

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Deputy Director,
Geology Department,
Collectorate,
Dindigul - 624 004.
3. The Revenue Divisional Officer,
District Revenue Office,
Sub-Collector Office Road,
Near by Head Post Office,
Dindigul.
4. The Tahsildar,
Dindigul West Circle,
Kottaikulam Road,
Dindigul.
5. The Sub Inspector of Police,
Reddiyar Chathiram Police Station,
Dindigul 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 petitioners' vehicle TN-57-BD-5574 back loaded vehicle (cater pillar) within a date fixed by this Hon'ble Court.

For Petitioner : Mr.S.Meenakshi Sundaram,
Senior Counsel for Mr.N.GA.Natraj

For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking a direction to the respondents to release her vehicle, viz., back loaded vehicle bearing Registration No.TN-57-BD-5574.

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2. Heard the learned Senior Counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

3. The learned Senior counsel for the petitioner would submit that though the petitioner's vehicle plied with all valid documents, the second respondent has seized the same, as if they were illegally transporting Alluvial soil from Maankaraikulam.

4. On the other hand, the learned Additional Government Pleader stoutly refuted the contentions of the learned Senior Counsel for the petitioner, but he fairly submitted that the vehicle of the petitioner may be released, but stringent conditions may be imposed for stopping such occurrence, in future.

5. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to sun and rain, it would certainly lose its value, the respondents are directed to release the vehicle in question to the petitioner on the following conditions:

"(i)The petitioner shall produce necessary documents before the respondents to establish and to prove her ownership of the vehicle in question;

(ii)The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with the second respondent;

(iii)The petitioner shall give an undertaking that she will not use the vehicle or any other vehicle for any illegal activities and also she will not indulge in such activities in future;

(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 (CS-I)

/True Copy/



To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Deputy Director,
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4. The Tahsildar,
Dindigul West Circle,
Kottaikulam Road,
Dindigul.
5. The Sub Inspector of Police,
Reddiyar Chathiram Police Station,
Dindigul District.

+ 1 CC TO Mr.N.GA.NATRAJ, ADVOCATE IN SR No. 87238
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87463

GK

TE/KP/SAR-4 : 24/11/2017 : 3P/8C

W.P. (MD) No.20225 of 2017
14.11.2017