

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 03.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)Nos.20323 & 20324 of 2017

M.Kubendran

... Petitioner in W.P(MD)No.20323/17

M.Rajmohan

... Petitioner in W.P(MD)No.20324/17

Vs.

1.The Revenue Divisional Officer,
Dindigul.

2.The Assistant Director,
Geology and Mining,
Flying Squad Dindigul Region,
Dindigul District.

3.The Sub Inspector of Police,
Reddiyarchathiram Police Station,
Dindigul District.

... Respondents in both petitions

COMMON PRAYER:Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to release the petitioners' Tractor along with trailer bearing Registration Nos.TN-57-AK-5612 & TN-57-W-1543, respectively, and consider the petitioners representation dated 28.10.2017.

For Petitioners : Mr.M.Gnanagurunathan
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate
(In both petitions)

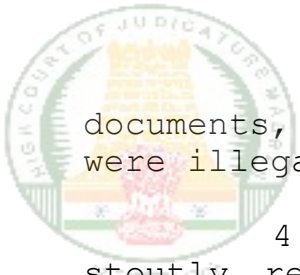
COMMON ORDER

These Writ Petitions have been filed by the petitioners seeking a direction to the first respondent to release their vehicles, viz., Tractors bearing Registration Nos.TN-57-AK-5612 & TN-57-W-1543, respectively, by considering their representations dated 28.10.2017.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents. By consent, these writ petitions are taken up for final disposal at the stage of admission itself.

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

3. The learned counsel for the petitioners has submitted that though the petitioners' vehicles are plied with all valid



documents, the second respondent has seized the same, as if they were illegally transporting Alluvial soil.

4. On the other hand, the learned Government Advocate stoutly refuted the contentions of the learned Counsel for the petitioners, but he fairly submitted that the vehicles of the petitioners 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 vehicles in question are kept without any use by exposing it to sun and rain, it would certainly lose its value, the respondents are directed to release the vehicles in question to the petitioners on the following conditions:

"(i) The petitioners shall produce necessary documents before the respondents to establish and to prove their ownership of the vehicles in question;

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

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

(iv) The vehicles shall be produced to the respondents as and when required."

6. After fulfilling all the four conditions, the respondents shall release the vehicles in question to the petitioners with a specific condition that they shall not alienate or encumber the vehicles in question till the disposal of the proceedings before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioners, in case, they violates any one of the conditions stipulated in this order.

7. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Dindigul.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The Assistant Director,
Geology and Mining,
Flying Squad Dindigul Region, Dindigul District.



3.The Sub Inspector of Police,
Reddiyarchathiram Police Station,
Dindigul District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 85343,85346
+2cc to M/s. M.GNANAGURUNATHAN Advocate in SR. No. 85316,85317

GK

JS/KP/SAR.1/17.11.2017/3P-7C

W.P. (MD) Nos.20323 & 20324 of 2017
03.11.2017