



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 21344 of 2017

and

W.M.P (MD) No. 17601 of 2017

K.Thiruppathi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichy District.

2.The Tahsildar,
Thottiam Taluk Office,
Thottiam, Trichy District.

3.The Inspector of Police,
Kollidam Police Station,
Kollidam,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to release the petitioners' Lorry bearing Registration No. TN-52-Z-3993 along with River Sand which was seized on 15.11.2017 by the third respondent.

For Petitioner : Mr.A.C.Asaithambi
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

By consent, this writ petition is taken up for final disposal, at the stage of admission itself.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents.

3. The case of the petitioner is that though he has a valid permit to transport river sand, the third respondent has seized his vehicle along with the sand, as if they were illegally transporting the same. Aggrieved by this action of the authorities, the petitioner is before this Court, seeking a direction to release his vehicle, namely Lorry, bearing No.TN-52-Z-3993.

<https://hcservices.ecourts.gov.in/hcservices/> 4. On the other hand, the learned Government Advocate stoutly refuted the contentions of the learned 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 his ownership of the vehicle in question;

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

(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichy District.

2. The Tahsildar,
Thottiam Taluk Office,
Thottiam, Trichy District.

3. The Inspector of Police,
Kollidam Police Station,
Kollidam,
Trichy District.

+1cc to Mr.A.C.ASAITHAMBI, Advocate, SR.88059

W.P. (MD) No.21344 of 2017
20.11.2017

GK

KK/SKN RSK/SAR 2/20.11.2017/ 2P- 5C/