



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)Nos.21683 to 21688 of 2017

and

W.M.P(MD)Nos.17981 to 17986 of 2017

S.M.Kamaraj	...	Petitioner in W.P(MD)Nos.21683/17 & 21684/17
A.Yesumariyan	...	Petitioner in W.P(MD)No.21685/17
Y.Jegal Lal	...	Petitioner in W.P(MD)No.21686/17
R.Rajesh	...	Petitioner in W.P(MD)No.21687/17
S.Suja	...	Petitioner in W.P(MD)No.21688/17

Vs.

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
 - 2.The Assistant Director of Geology and Mines,
Nagercoil,
Kanyakumari District.
 - 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
 - 4.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
- ... Respondents in all petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to release the Petitioners' vehicles Lorry bearing Registration Nos.TN-74-V-1150, TN-74-V-7654, TN-74-K-6442, TN-20-BD-3330, TN-74-AB-9306 and KL-20-5050, respectively, within the time stipulated by this Hon'ble Court.

For Petitioners	: Mr.M.Vallinayagam, Senior Counsel for Mr.J.Ashok
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For Respondents	: Mr.M.Alagathevan Special Government Pleader (In all petitions)
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**COMMON ORDER**

As the issue involved in all these petitions is one and the same, they are disposed of by this common order. By consent, these writ petitions are taken up for final disposal.

2. According to the petitioners, the vehicles in question, namely, Lorries, bearing Registration Nos. TN-74-V-1150, TN-74-V-7654, TN-74-K-6442, TN-20-BD-3330, TN-74-AB-9306 and KL-20-5050, belong to the respective petitioner, which were hired by MRM Ramaiya Enterprises Private Limited to transport imported river sand from Tuticorin Port Trust to its customers. It is the grievance of the petitioners that though the vehicles were plied with all valid documents, the fourth respondent, based on the instructions of the respondents 1 to 3, has seized the vehicles, as if no permission was granted to transport imported river sand. Despite several representations, the authorities are not considering their request for release of vehicles and aggrieved thereby, the petitioners are before this Court, seeking a direction to release the same.

3. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicles were seized as they were plying without valid papers including permit for transporting the imported sand.

4. Heard the learned Senior Counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

5. In any event, as the vehicles are under the custody of the respondents, having been seized on 22.10.2017 and considering the fact that if the same are 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 all the vehicles can be released by imposing conditions on the petitioners for release of the said vehicles.

6. Accordingly, the respondents are directed to release all the vehicles in question to the respective petitioners, within a period of 7 days, subject to 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 second 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 petitioners shall unload the sand, in the place, to be earmarked by the authorities concerned;

(v) On doing so, the vehicles in question shall be



returned to the respective petitioner; and

(vi) The petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned."

7. These Writ petitions are ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Assistant Director of Geology and Mines,
Nagercoil, Kanyakumari District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil, Kanyakumari District.
4. The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.

+6ccs to M/s. J.ASHOK Advocate in SR. No. 92559

GK

JS/SV.MMS/SAR.4/14.12.2017/3P-11C

ORDER MADE IN
W.P (MD) Nos.21683 to 21688 of 2017
13.12.2017