



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.21951 of 2017
and
WMP (MD) No.18247 of 2017

P.Miller

... Petitioner

Vs.

1. The District Collector,
Ramand District,
Ramnad.
2. The Revenue Divisional Officer,
Paramakudi Taluk,
Ramnad District.
3. The Assistant Director,
Geology and Mining,
Ramnad.
4. The Inspector of Police,
Nainarkoil Police Station,
Ramnad District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to release the Tipper Lorry of the Petitioner bearing Registration No. TN.65-A-7329.

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

ORDER

This writ petition has been filed, seeking a Writ of Mandamus directing the 2nd respondent herein to release the Tipper Lorry of the Petitioner bearing Registration No. TN.65-A-7329.

2.Heard both sides.

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



4. The case of the petitioner is that, on 11.11.2017, though, with proper permit, gravel sand was transported in the lorry bearing Registration No. TN 65 A7329, the third respondent alleging that the lorry was used for illegal transportation, has seized the lorry, which is now under the custody of the third respondent. Hence, the petitioner on 22.11.2017, sent a representation to the respondents, requesting to release his vehicle. However, the vehicle has not yet been released. So, the petitioner is before this Court.

5. On the other hand, the learned Additional Government Pleader stoutly refuted the contentions of the learned Counsel for the petitioner, and fairly submitted that the vehicle of the petitioner may be released with stringent conditions, to put an end to such occurrences, in future.

6. 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 third 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 (RTI)

/True Copy/

Sub Assistant Registrar



1. The District Collector,
Ramand District,
Ramnad.
2. The Revenue Divisional Officer,
Paramakudi Taluk, Ramnad District.
3. The Assistant Director,
Geology and Mining,
Ramnad.
4. The Inspector of Police,
Nainarkoil Police Station,
Ramnad District.

+ 1 CC TO M/s.POLAX LEGAL SOLUTIONS, IN SR No. 90007
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90578

DSK

TE/JC/SAR-1 : 07/12/2017 : 3P/7C

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