



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

**W.P(MD)No.22447 of 2017
and
W.M.P(MD)No.18762 of 2017**

A.Savithiri

... Petitioner

Vs.

1. The District Collector,
Sivagangai.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildhar,
Devakottai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 herein to release the vehicle (Tipper Lorry) bearing registration No.TN 63 S 0112 to the petitioner forthwith.

For Petitioner : Mr.AL.Kannan

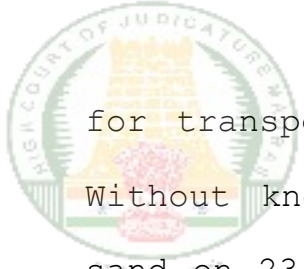
For Respondents : Mr.J.Gunaseelan Muthaiah
Government Advocate

ORDER

By consent, this writ petition itself is taken up for final disposal.

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

3. According to the petitioner, she is the owner of the Tipper Lorry bearing Reg.No.TN-63-S-0112 and she was having a valid permit
<https://hcservices.ecourts.gov.in/hcservices/>



for transporting sand and stone, which got expired on 21.11.2017. Without knowing the said fact, her vehicle was used to transport sand on 23.11.2017 and was subsequently, seized by the authorities, as there was no permit, as on date. Despite the petitioner expressed her willingness to pay penalty, the authorities are not releasing the vehicle and aggrieved over the same, she is before this Court.

4. On the other hand, the learned Government Advocate 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.

Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildhar,
Devakottai,
Sivagangai District.

+1cc to Mr.AL.KANNAN, Advocate SR.No.91830

+1cc to SPECIAL GOVERNMENT PLEADER IN SR.No.91688

GK

MV:SV-MMS:SAR1:15/12/2017/3P/6C

ORDER MADE IN

W.P (MD) No.22447 of 2017

07.12.2017