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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.23857 of 2017

Ramesh

... Petitioner

Vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai,
Pudukottai District.

3.The Revenue Divisional Officer,
Illuppur,
Pudukottai District.

4.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the Ashok Leyland Lorry bearing Registration No.TN 64 F 5613 seized by the third respondent on 19.12.2017 to the petitioner.

For Petitioner : Mr.A.V.Rajasekaran
For Respondents : Mr.J.Gunaseelan Muthiah
Government Advocate

ORDER

Heard the learned counsel on both side

2.The petitioner seeks release of his lorry that was seized on 19.12.2017 from the third respondent, on account of violation of the Mining Laws.



3. In my considered view, keeping the vehicle in the custody of the respondents will not serve any purpose.

4. Accordingly, the third respondent is directed to release the vehicle in question to the petitioner forthwith subject to the following conditions:

"(i) The petitioner shall produce the documents before the third respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) before the third respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(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."

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

5. This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Pudukottai, Pudukottai District.

2. The District Revenue Officer, Pudukottai, Pudukottai District.

3. The Revenue Divisional Officer, Illuppur, Pudukottai District.

4. The Inspector of Police, Viralimalai Police Station,
Pudukottai District.

+1CC to Mr. A.V. Rajasekaran, Advocate, SR.No. 94575

+1CC to the Special Government Pleader SR.No. 94924

W.P. (MD) No.23857 of 2017
22.12.2017