



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2017

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD) No.23919 of 2017

Balakrishnan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Sub Collector,
Thoothukudi,
Thoothukudi District.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 herein to release the Petitioner's vehicle bearing Registration No.TN 69 AC 4959 within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.S.Sundarapandian

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

ORDER

Heard the learned counsel on both sides.

2.The petitioner seeks release of his Tipper lorry that was seized on 31.10.2017 by the second and third respondents, 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 second and third respondents are 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 second 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 second 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(Records)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Sub Collector,
Thoothukudi, Thoothukudi District.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

+1CC to Mr.S.Sundarpandian, Advocate, SR.No. 94517

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22.12.2017

dsk

AM/SKN RSK/SAR 3/26.12.2017/2P/5C