



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.02.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD)No.2405 of 2017

S.Ganesan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3.The Assistant Director,
Geology and Mines Department,
Madurai District.

4.The Sub-Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.

... Respondents.

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Swaraj 735FE Tractor bearing Registration No.TN 72 W 2274 and its attached Trailer bearing Registration No.TN 72 V 0127 based on his representation dated 10.11.2016.

For Petitioner :M/s.A.Kesavan

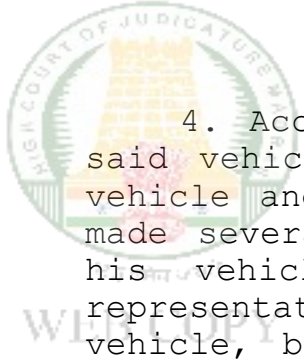
For Respondents :Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

O R D E R

Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. This Writ Petition is filed seeking for the release of the petitioner's vehicle namely Swaraj 735FE Tractor bearing Registration No.TN 72 W 2274 and its attached Trailer bearing Registration No.TN 72 V 0127.



4. According to the petitioner, he is the owner of the above said vehicle and on 22.07.2015, the fourth respondent seized the vehicle and kept it in his custody. Thereafter, the petitioner made several representation to the respondents seeking release of his vehicle. Finally, on 27.01.2017, the petitioner made a representation to the first respondent seeking to release the vehicle, but, so far the first respondent is not releasing the vehicle.

5. The learned Additional Government Pleader on instructions submitted that the above said vehicle was used to transport river sand, without any valid permit. Hence, the fourth respondent has seized the same and kept it in his custody.

6. In view of the above, the first respondent is directed to release the petitioner's vehicle namely Swaraj 735FE Tractor bearing Registration No.TN 72 W 2274 and its attached Trailer bearing Registration No.TN 72 V 0127, subject to the following conditions only:

"i)The petitioner is directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) with the first respondent within a period of one week from the date of receipt of a copy of this order.

ii)On deposit of the said amount, the first respondent is directed to release the vehicle on the following conditions:-

(a)The petitioner shall produce before the first respondent, the relevant documents to establish that he is the owner of the vehicle;

(b)He shall execute an affidavit giving undertaking that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him;

(iii)The first respondent is at liberty to initiate proceeding against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceeding has to be taken, within a period of three months from the date of receipt of a copy of this order. If no action is taken against the petitioner, within the said period, the amount deposited by him shall be returned to him; and

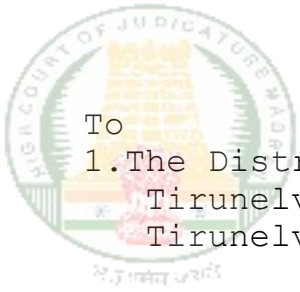
(iv)The petitioner shall abide by the orders passed by the authority concerned or the first respondent."

The Writ Petition is ordered accordingly. No Costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3.The Assistant Director,
Geology and Mines Department,
Madurai District.

4.The Sub-Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.

+1cc to M/S.A.Kesavan, Advocate SR.No.7683
+1cc to special Government Pleader SR.No.8061

pm

SM:CM-MSA:SAR 3:20.02.2017:3p/7c

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