

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 25.05.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**W.P. (MD)No.9071 of 2017 and
W.M.P (MD) .No.6927 of 2017**

T.Sivasankar

... Petitioner

Vs.

1. The Assistant Director, Mining Department,
Thanjavur, Thanjavur District.
2. The District Revenue Officer,
Thanjavur, Thanjavur District.
3. The Tahsildar, Kumbakonam Taluk,
Kumbakonam.
4. The Revenue Inspector,
Natchiyarkoil, Kumbakonam Taluk,
Thanjavur District.
5. The Village Administrative Officer,
Natchiyarkoil, Kumbakonam Taluk,
Thanjavur District.
6. The Village Administrative Officer,
Enanullar, Kumbakonam Taluk,
Thanjavur District.
7. The Assistant,
Revenue Dept, Revenue Inspector Office,
Natchiyarkoil, Kumbakonam Taluk,
Thanjavur District.
8. The Inspector of Police,
Natchiyarkoil police station,
Kumbakonam Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 to 8 to release the petitioner's JCB Vehicle bearing registration No.TN.45 AW 8541.



For Petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.T.R.Janarthanan,
Additional Government Pleader.

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O R D E R

This Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 to 8 to release the petitioner's JCB vehicle bearing registration No.TN 45 AW 8541.

2. Heard, Mr.G.Gomathi Sankar, learned counsel appearing for the petitioner and Mr.T.R.Janarthanan, learned Additional Government Pleader appearing for the respondents.

3. According to the petitioner, he is the owner of the JCB vehicle bearing Registration No.TN45-AW-8541 and on 15.04.2017, the second respondent seized the vehicle and kept it in his custody. Immediately, on 17.04.2017, the petitioner made a detailed representation to the respondents 3 and 8 seeking to release the vehicle, but so far the second respondent is not releasing the vehicle and keeping it in his custody.

4. The learned Additional Government Pleader on instructions submitted that the above said vehicle was involved in illegal mining business. Hence, the second respondent seized the same and kept it in his custody.

5. In similar circumstances, this Court has passed an order in W.P(MD)No.12365 of 2016, dated 14.07.2016, releasing the lorry with some conditions.

6. In view of the above, this Writ Petition is disposed of with the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) in cash before the second respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the second respondent is directed to release the seized vehicle bearing registration No.TN45-AW-8541 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;



(e) The second respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;

(f) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(g) Inasmuch as the Vehicle bearing Registration No.TN45-AW-8541 is seized by the second respondent on 15.04.2017, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

The present Writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Director,
Mining Dept., Thanjavur,
Thanjavur District.
2. The District Revenue Officer,
Thanjavur, Thanjavur District.
3. The Tahsiltar,
Kumbakonam Taluk, Kumbakonam.
4. The Revenue Inspector,
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5. The Village Administrative Officer,
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6. The Village Administrative Officer,
Enanullar, Kumbakonam Taluk,
Thanjavur District.



7. The Assistant,
Revenue Dept, Revenue Inspector Office,
Natchiyarkoil, Kumbakonam Taluk, Thanjavur District.

8. The Inspector of Police,
Natchiyarkoil Police Station,
Kumbakonam Taluk, Thanjavur District.

+1cc to M/S. G.GOMATHI SANKAR, Advocate, SR.No.57531.

W.P. (MD) No.9071 of 2017
and
W.M.P (MD) .No.6927 of 2017
25.05.2017

pmu/vsa
SDS/SKN:RSK/SAR 3/20.07.2017/4P/10C