



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. (MD) .No.9474 of 2017

A.Mahesh Mary

...Petitioner

Vs

1.The District Collector,
Tirunelvli District,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Special Deputy Tahsildar (Mines),
Tirunelvei,
Tirunelvei District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the petitioner's Tarras Lorry bearing Registration No.TN-18Q-1699 seized on 30.11.2016 by the respondents to me.

For petitioner : Mr.M.Subash Babu

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

The petitioner has come forward with this Petition praying to direct the respondents to release the petitioner's Tarras Lorry bearing Registration No.TN-18Q-1699 seized on 30.11.2016 by the respondents to me.

2. It is the case of the petitioner that the vehicle has been used only for lawful purpose like transporting building waste materials. Due to the previous enmity the 3rd respondent seized the vehicle on 30.11.2016, on the allegation that the vehicle has transported 4 unit of Saral sand. According to the petitioner, so far no proceeding was initiated against the petitioner under the Act.

3. The learned counsel for the respondents who took



notice and contended that in similar matter, W.P.(MD).No.18486 of 2016 this Court has released the vehicle in question with stringent conditions and the same conditions may also be imposed in this case also.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. In view of above, I am inclined to direct the concerned respondents to release the vehicle in question to the petitioner on the following conditions:-

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

(ii) The petitioner shall deposit a sum of Rs. 50,000/- (Rupees Fifty Thousand only) with the first 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 first respondent; and

(iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

5. In the result, the Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Special Deputy Tahsildar(Mines),
Tirunelveli,
Tirunelveli District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.57678
+1cc to M/s. M.SUBASH BABU Advocate in SR. No.57319
TA/SM/RR
JS/SV/SAR.1/30.05.2017/2P-6C