



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P. (MD) No. 9927 of 2017

and

W.M.P.No.7609 of 2017

C.Kaliraj

...Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti Taluk,
Thoothukudi District.

3.The Block Development Officer,
Kaiyatharu Union,
Thoothukudi District.

4.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

5.The Inspector of Police,
Naalattinpudur Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to directing the second respondent herein to pass appropriate orders to release the Tipper Lorries of the petitioner bearing registration Nos.TN.69 AX 6384 and TN.76L4942.

For Petitioner : Mrs.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

The petitioner has come forward with this Petition praying to direct the respondents to release the Tipper Lorries of the petitioner bearing registration Nos.TN.69 AX 6384 and TN.76L4942.

<https://hcservices.courtsgov.in/hcservices/> case of the petitioner that the vehicle has been used only for lawful purpose like transporting building waste materials. The fourth respondent seized the vehicle on

13.05.2017, on the allegation that the vehicle has transported sand. According to the petitioner, so far, no proceeding was initiated against the petitioner under the Act.

3. The learned Additional Government Pleader appearing 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.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. In view of the 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) each vehicle, 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.

(v) The petitioner is running the vehicle with the permission of the authority concerned, after completion of enquiry, the authority concerned should return back the amount to the petitioner.

5. In the result, the Writ Petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

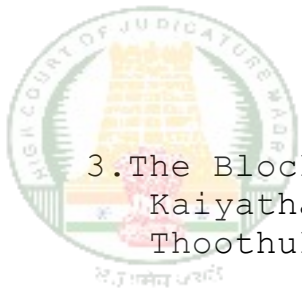
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Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

<https://hcservice.hcservice.in/>
2. The Regional Divisional Officer,
Kovilpatti Taluk,
Thoothukudi District.



3.The Block Development Officer,
Kaiyatharu Union,
Thoothukudi District.

4.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

5.The Inspector of Police,
Naalattinpudur Police Station,
Thoothukudi District.

+1cc to M/s.Special Government Pleader,SR.57930

+1cc to M/s.Polax Legal Solutions,SR.22805

W.P. (MD) No.9927 of 2017
and
W.M.P.No.7609 of 2017
25.05.2017

NS/LS/VSA

KK/RSK/SAR4-31.05.2017-3P-8C