

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2018
CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.893 of 2018 and
WMP.No.1077 of 2018

Selvaraj
S/o.Sundara Gounder

... Petitioner

versus

1. The District Collector
Ariyalur District,
Ariyalur.

2. The Revenue Divisional Officer
Ariyalur District,
Ariyalur.

3. The Tahsildar
Ariyalur Taluk
Ariyalur District.

4. The Inspector of Police
Ariyalur Police Station
Ariyalur District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 20.12.2017 by returning the vehicles (1) Tractor Register No.TN 61 B 1623 (2) Tractor Register No.TN46 H 6805 and (3) JCB Register No. TN61 D 9915, now illegal custody of the fourth respondent herein to the petitioner.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

The petitioner seeks for a mandamus directing the first respondent to release the vehicles (1) Tractor Register No.TN 61 B 1623 (2) Tractor Register No.TN46 H 6805 and (3) JCB Register No. TN61 D 9915.

2. Though the matter was taken up for hearing on 12.01.2018, it was adjourned to 19.01.2018, to get instructions by the learned Special Government Pleader. Today, when the matter is taken up for hearing, the learned Additional Government Pleader seeks time to get instructions. However, the petitioner seeks for immediate release of the vehicle, as the same was seized as early as on 20.12.2017.

3. It is stated that the above vehicles were seized by the respondents on an allegation that the said vehicles were indulging in transporting sand illegally. According to the petitioner, there was no such violation and on the other hand, the vehicles were used only for the personal consumption of sand by the petitioner. Needless to say that it is for the authority to consider such claim of the petitioner and pass appropriate orders and therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner. However, considering the fact that the vehicles were seized as early as on 20.12.2017 and the same are kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand) for each vehicle, before the respondents within a period of two weeks from the date of receipt of a copy of this order.

b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicles for verification of the authority in proof of such ownership.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicles, the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicles for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the respondents to initiate proceedings in accordance with law and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

(g) This order for release of the vehicles

can be availed of by the petitioner, if the vehicles are not in the custody of criminal Court. If the vehicles are in the custody of the criminal Court, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicles, by filing appropriate application and the same can be considered in accordance with law.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector
Ariyalur District, Ariyalur.
- 2.The Revenue Divisional Officer
Ariyalur District, Ariyalur.
- 3.The Tahsildar
Ariyalur Taluk, Ariyalur District.
- 4.The Inspector of Police
Ariyalur Police Station
Ariyalur District.

+1cc to the Government Pleader, S.R.No.5464

RRK(30/01/2018)

W.P.No.893 of 2018

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