



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2018

CORAM:

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23171 and 23172 of 2018

C.Ganesan ... Petitioner in W.P.(MD).23171 of 2018
A.Natarajan ... Petitioner in W.P.(MD).23172 of 2018

Vs.

1.The Sub Collector/Revenue Divisional Officer,
O/o.the Sub Collector
Sattur Post, Virudhunagar District.

2.The Tahsildar,
Sattur Taluk Office,
Sattur Post & Taluk,
Virudhunagar District. ... Respondents in both W.Ps

Prayer in W.P.(MD).23171 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the seized Tipper Lorry bearing Registration No. TN 69 AB 4145 seized on 30.09.2018 by the respondents to the petitioner.

Prayer in W.P.(MD).23172 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the seized Tipper Lorry bearing Registration No. TN 75 Y 4537 seized on 29.09.2018 by the respondents to the petitioner.

In both W.Ps:

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

COMMON ORDER

These writ petitions have been filed seeking a writ of Mandamus, to direct the respondents to release the seized Tipper Lorries bearing Registration Nos. TN 69 AB 4145 and TN 75 Y 4537 seized on 30.09.2018 and 29.09.2018 respectively by the respondents to the respective petitioner.



2. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

3. According to the petitioners, the official respondent has seized the vehicles in question on the ground that they were involved in transportation of illegal sand without any valid permit and the vehicles are still under the police custody. Hence, these Writ Petitions are filed.

4. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicles in question were used for illegal transportation of sand without any valid permit and hence, they were seized.

5. In any event, as the vehicles are under the custody of the official respondent of seizing from the date of seizing and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, this Court is of the view that the vehicles may be released by imposing conditions on the petitioners for release of the same.

6. Accordingly, the concerned respondent is directed to release the vehicles in question to the petitioners within a period of 7 days from the date of receipt of a copy of this order subject to the following conditions:

"(i) The petitioners shall produce necessary documents before the concerned respondent to establish the ownership of the vehicle in question;

(ii) Each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), before the first respondent as non refundable deposit;

(iii) The petitioners 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 respondents;

(iv) On doing so, the vehicles in question shall be returned to the petitioners;

(v) The petitioners shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(vi) The petitioners are also directed to participate in the enquiry to be conducted by the respondents."

However, it is made clear that if the vehicles involve in the crime for second time, the concerned respondent shall not release the



7. With the above direction, these Writ Petitions are disposed of. No costs.

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Sd/-
Assistant Registrar (C.O)

/True Copy/

Sub Assistant Registrar (CS-III)

vs

To

1. The Sub Collector/Revenue Divisional Officer,
O/o. the Sub Collector
Sattur Post, Virudhunagar District.

2. The Tahsildar,
Sattur Taluk Office,
Sattur Post & Taluk,
Virudhunagar District.

+1cc to Mr. M. Saravana Kumar, Advocate in SR No. 96362
+1cc to Spl Government Pleader, SR No. 96562

W.P (MD) No. 23171 and 23172 of 2018

NM/SV/SAR III/23.11.18/3P/5C.