



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.1819 of 2018

Titus ... Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Thasildar,
Thiruppathur,
Sivagangai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to release the Lorry bearing Registration No.TN 75 AA 3526 seized by the 3rd respondent on 12.01.2018 to the petitioner.

For Petitioner : Mr.A.V.Rajasekaran
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

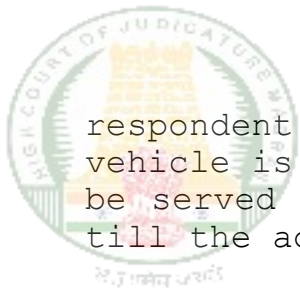
ORDER

This Writ Petition has been filed seeking a direction to release the petitioner's vehicle bearing Registration No.TN-75-AA-3526.

2.According to the petitioner, he is the owner of the above said vehicle and on 12.01.2018, the third respondent seized the vehicle and kept it in his custody. On 24.01.2018, the petitioner made a representation to the respondents 1 to 3 seeking to release the vehicle, but so far, the third respondent has not released the vehicle and keeping it in his custody.

3.The learned Additional Government Pleader on instructions submitted that the third respondent has seized the above lorry on the ground that the petitioner transported sand without any valid permit and kept in his custody.

4.The learned counsel for the petitioner submitted that the petitioner has transported the sand with valid permit and the third



respondent wrongly seized the vehicle of the petitioner and the vehicle is now in custody of the second respondent. No purpose will be served by keeping the lorry in custody of the second respondent till the adjudication proceedings is initiated by the respondents.

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

(a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in cash before the third 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 third respondent is directed to release the seized vehicle bearing Registration No. TN 75 AA 3526 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(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

No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The District Revenue Officer,
Sivagangai,
Sivagangai District.



3.The Thasildar,
Thiruppathur,
Sivagangai District.

+1cc to Special Government Pleader, SR.No. 46936

+1cc to M/S.A.V.Rajasekaran, Advocate SR.No. 46486

W.P (MD) No.1819 of 2018

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JM/SV/SAR 3/07.02.2018/3P/6C