



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.249 of 2018

and

W.M.P.(MD)Nos.263 and 264 of 2018

Murugan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thoothukudi.

3.The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi.

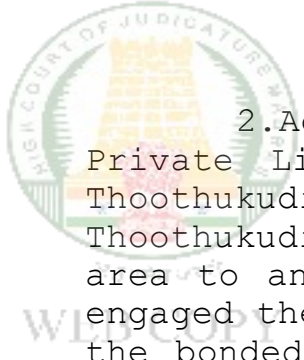
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the third respondent seizure mahazar dated 15.12.2017 and quash the same and consequentially direct the 2nd and 3rd respondents to release the petitioner's Lorry bearing Registration No.TN-69-AD-4179 from the custody of them.

For Petitioner : Mr.N.Anandakumar
For Respondents : Mr.B.Pugalendhi
Additional Advocate General
assisted by
Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to release Lorry bearing Registration No.TN-69-AD-4179 from the custody of the third respondent.



2. According to the petitioner one M.R.M. Ramaiya Enterprises Private Limited has imported the river sand from Malaysia in Thoothukudi Port. Subsequently by an order passed by the Thoothukudi Port the sand has been transported from the wharfage area to another bonded area. The said M.R.M. Ramaiya Enterprises engaged the petitioner to transport the sand from wharfage area to the bonded area. While the petitioner transported the same, the third respondent has seized the lorry as he has transported the sand for other purpose. In the above circumstances, the petitioner has filed the present Writ Petition.

3. The learned Additional Advocate General appearing for the respondents submitted that the lorry has been seized at outside the port trust area in the harbour road, Thoothukudi. He further submitted that the same is not near the bonded area and the lorry has been used only for transporting the sand for other purpose. In the above circumstances, the third respondent has seized the vehicle.

4. Considering the facts and circumstances as the disputed facts involved in this case and the lorry has been seized on 15.12.2017, no useful purpose will be served by keeping the lorry in the custody of the third respondent till the disposal of the adjudication proceedings.

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

(a) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(b) 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;

(c) On compliance of the above conditions, the third respondent is directed to release the seized vehicle bearing Registration No. TN-69-AD-4179 to the petitioner, within three days from the date of receipt of a copy of this order;

(d) The respondents are at liberty to take appropriate proceedings against the petitioner and if it is found that the lorry has been used to transport the sand beyond the bonded area for other purpose, it is directed to the respondents to impose necessary penalty for the lorry as well as the alleged transported sand by the petitioner;



No costs. Consequently, W.M.P.(MD) Nos.263 and 264 of 2018 are closed.

WEB COPY

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thoothukudi.

3.The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi.

+1cc to M/S.V.Malaiyendran, Advocate SR.No. 41219

W.P (MD) No.249 of 2018
09.01.2018

ta

JM/SKN RSK/SAR 3/10.01.2018/3P/5C