



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.2746 of 2018

D.Anantha Ganesh

... Petitioner

-Vs-

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Assistant Director of Geology and Mines,
Thoothukudi,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Thoothukudi,
Thoothukudi District.
- 4.The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi,
Thoothukudi District.
- 5.The Inspector of Police,
Thermal Police Station,
Thoothukudi 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 petitioners' vehicle Lorry bearing Registration No.TN28K-1399 within the time stipulated by this Court.

For Petitioner

: Mr.J.Ashok

For Respondents

: Mr.Aayiram K.Selvakumar,

Additional Government Pleader.

ORDER

This writ petition has been filed seeking a direction to the respondents to release the petitioner's vehicle Lorry bearing Registration No.TN28K-1399 seized by the fourth respondent.

2.Heard Mr.J.Ashok, learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents.



3. According to the petitioner, he is the owner of the lorry bearing Registration No. TN28K-1399 and the same was engaged to transport the imported river sand from Thoothukudi Port Trust to the customers at Marthandam under valid permit. At that time, the fourth respondent has stopped the vehicle and seized the same on 25.01.2018 on the ground that he has no valid permit to transport the imported sand. Thereafter, the petitioner approached the third respondent to release the vehicle, but he has refused to release the vehicle.

4. The learned counsel appearing for the petitioner would submit that the petitioner only transported the sand, which is imported from Malaysia, from Thoothukudi Port Trust to the customers at Marthandam and he has valid permit for importing the sand. Despite the same, the vehicle has been seized.

5. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that as per G.O. (Ms) No. 242, Public Works (I.Spl.2) Department, dated 08.12.2017, the sale of ordinary sand imported from other countries or brought from other States shall be done only by the Public Works Department of the State Government.

6. Since the imported sand is prohibited, the petitioner cannot transport the imported sand. Hence, the vehicle has been seized.

7. Without going into the merits of the case, as the vehicle is under the custody of the authorities, having been seized on 25.01.2018 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 vehicle may be released by imposing conditions on the petitioner for release of the same.

8. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the respondents to establish the ownership of the vehicles in question;

(ii) The petitioner shall deposit a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only), before the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicle in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before



the authority concerned; and

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

9. This Writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Assistant Director of Geology and Mines,
Thoothukudi,
Thoothukudi District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Thoothukudi,
Thoothukudi District.
4. The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi,
Thoothukudi District.
5. The Inspector of Police,
Thermal Police Station,
Thoothukudi District.

+1cc to Mr. J. ASHOK, Advocate, SR. 52090

+1cc to M/S. Special Government Pleader, SR. 52331

W.P (MD) No. 2746 of 2018
28.02.2018

MYR

KK/SKN RSK/SAR 1/02.03.2018/ 3P- 8C/