



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2996 of 2018

Rajesh

... Petitioner

Vs.

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai,
Pudukottai District.

**(*)3.The Revenue Divisional Officer,
Pudukottai District.**

4.The Inspector of Police,
Namunasamuthiram Police Station,
Pudukottai District.

... Respondents

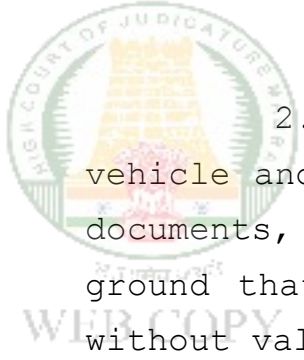
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to release the Lorry Bearing Registration No. TN 32 J 1123 seized by the 3rd respondent on 25.01.2018 to the petitioner.

For Petitioner : Mr.A.V.Rajasekaran

For Respondents : Mr.P.Kannithevan
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondents to release the Lorry Bearing Registration No. TN 32 J 1123 seized by the 3rd respondent on 25.01.2018.



2. According to the petitioner, he is the owner of the said vehicle and even though he plied the said vehicle with all relevant documents, the third respondent seized the same on 25.01.2018 on the ground that the vehicle has involved in illegal quarrying of sand without valid permit.

3. On the other hand, it is submitted by the learned Additional Government Pleader that the vehicle was seized as it was involving in illegal quarrying of sand without valid papers including registration certificate books and transport permits for transporting sand.

4. In any event, 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, pending proceedings before the respondents, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

5. 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 vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only), before the third respondent;

(iii) The petitioner 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 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."

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

(*) CORRECTED ORDER ISSUED

/True Copy/

Sub Assistant Registrar

(*) TO BE SUBSTITUTED TO THE ORDER ALREADY DESPATCHED ON 19.2.2018
To

1. The District Collector,
Pudukottai,
Pudukottai District.

2. The District Revenue Officer,
Pudukottai,
Pudukottai District.

**(*) 3. The Revenue Divisional Officer,
Pudukottai District.**

4. The Inspector of Police,
Namunasamuthiram Police Station,
Pudukottai District.

+1cc to M/S.A.V.RAJASEKARAN, Advocate SR.No.48703.

Writ Petition (MD) No.2996 of 2018
14.02.2018

sms

SDS/SV:MMS/SAR 2/19.02.2018/3P/6C

RL/6C/3P/SV/MMS/SAR4/23/2/2018