

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.02.2018****CORAM:****THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN****W.P. (MD) Nos.3347, 3369 and 3370 of 2018**

N.Rahumath Nisha ... Petitioner in W.P.(MD)No.3347 of 2018
S.Kalimuthu ... Petitioner in W.P.(MD)No.3369 of 2018
A.Kalimuthu ... Petitioner in W.P.(MD)No.3370 of 2018

-Vs-

1.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3.The Block Development Officer (Village Panchayats),
Thiruvadanai Panchayat Union,
Ramanathapuram District.

4.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

... Respondents in all W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to release the petitioners' JCB, Tractors bearing Registration Nos.TN-65 AC 6852, TN-65 E 3942 and TN-65 K 8227 respectively within the time limit that may be stipulated by this Court.

For Petitioners : Mr.K.R.Laxman
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader.
(In all Writ Petitions)

COMMON ORDER

These writ petitions have been filed seeking a direction to the first respondent to release the petitioners' vehicles bearing registration Nos. TN-65 AC 6852, TN-65 E 3942 and TN-65 K 8227 respectively.



2. Heard Mr.K.R.Laxman, learned counsel appearing for the petitioners and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents in all the writ petitions.

3. According to the petitioners, they have the owners of the above said vehicles. Earlier, the third respondent / Block Development Officer, Thiruvadanai Panchayat Union has engaged the petitioners' vehicle for transporting the sand from Marungur to Oriyur, based on the permission granted by the second respondent. Pursuant to the same, the petitioners also transported the sand from Marungur to Oriyur. On the way, the fourth respondent has seized the vehicles and a criminal case has also been filed on the ground that the petitioners are transporting the sand illegally, without permit. Thereafter, the petitioners approached the first respondent to release the vehicles. But, so far no action has been taken. Hence, the present writ petition has been filed.

4. The learned Special Government Pleader appearing for the respondents submitted that even though permission was granted to the third respondent to transport the sand to Oriyur, instead of transporting the same to the specified place, they are transporting the sand to other places and on the way, the vehicles have been seized by the fourth respondent.

5. Considering the fact that already permission has been granted to the third respondent and in the permit itself, the numbers of the petitioners' vehicles have been given. As there is a dispute whether the petitioners transported the sand to some other place instead of specified place, it could be decided in the proceedings to be initiated by the authorities concerned.

6. Now, as the vehicles are under the custody of the authorities, having been seized on 03.02.2018 and considering the fact that if the same are 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.

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

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

(ii) The petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only), each before the first respondent;

(iii) The petitioners shall give an undertaking that they 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 vehicles in question shall be returned to the petitioner;

(v) The petitioners shall not alienate the vehicles 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."

8. These Writ petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

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Ramanathapuram District.

4. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

+3cc to M/S.B.SARAVANAN, Advocate SR.No.51856, 51857 and 51858.

+1cc to Special Government Pleader in SR.No.52037.

W.P (MD) Nos.3347, 3369 and 3370 of 2018
28.02.2018

Myr

SDS/SKN:RSK/SAR 2/01.03.2018/3P/9C