



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.4037 of 2018

V.Selvakumar

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
Thoothukudi Sub Division,
Thoothukudi.
3. The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi District.
4. The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus to direct the respondents to release the Lorry bearing Regn No.TN-72-BH-4893 seized on 15.12.2017 and hand over the same to the petitioner.

For Petitioner	: Mr.C.Arul Vadivel Alias Sekar
For Respondents	: Mr.K.Chellapandian, Additional Advocate General assisted by Mrs.J.Padmavathidevi, Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to release the Lorry bearing Registration No.TN-72-BH-4893 seized on 15.12.2017 and hand over the same to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> According to the petitioner, the petitioner's lorry was engaged in transporting imported sand from Tuticorin Port Trust to bonded area by one M/s.M.R.M.Ramaiya Enterprises. While the



petitioner transported the same, the third respondent intercepted the lorry and seized the same on the ground that the petitioner has transported the sand for other purpose. In the above circumstances, the petitioner has filed the present writ petition.

3. 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 shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only), before the first respondent.

(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. TN72-BH-4893 to the petitioner, within three days from the date of receipt of a copy of this order;

(e) 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 always open to the respondents to impose necessary penalty for the lorry as well as the alleged transported sand ;



6. With the above direction, the writ petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
Thoothukudi Sub Division,
Thoothukudi.
3. The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi District.
4. The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.

+ 1 cc TO Mr.C.Arul Vadivel @ Sekar , Advocate in SR No. 51477
+ 1 cc TO The Special Government Pleader in SR No. 51944

sms

AE/CVC/SAR3/15.03.2018/3P/7C

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