



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)Nos.3427 and 3428 of 2018

Sibion ... Petitioner in W.P.(MD)No.3427 of 2018
Sebastian ... Petitioner in W.P.(MD)No.3428 of 2018

-Vs-

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Special Tahsildar,
Flying Squad,
Kanyakumari District,
Nagercoil.

... Respondents in both 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 TATA 207 Van bearing registration No.KL-31-B-8937 and KL-42-5592 respectively seized by the second respondent on 23.12.2017, to the petitioners.

For Petitioners : Mr.T.Lenin Kumar
For Respondents : Mr.M.Rajarajan,
Government Advocate.
(In both Writ Petitions)

COMMON ORDER

These writ petitions have been filed seeking direction to the first respondent to release the petitioners' vehicle TATA 207 Van bearing registration Nos.KL-31-B-8937 and KL-42-5592 respectively seized by the second respondent on 23.12.2017.

2.Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioners and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents in both the writ petitions.

3.According to the petitioners, they are the owners of the vehicle TATA 207 Van bearing registration Nos.KL-31-B-8937 and KL-42-5592 respectively. The second respondent seized the vehicles on the ground that the petitioners' vehicle were used to transport 1765 and 1660 liters of white colour kerosene. According to the petitioners, they only transported the kerosene from one place to another place and they are not intended for smuggling.



4. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the petitioners illegally transported the kerosene meant for fishermen illegally. Therefore, the vehicles have been seized by the second respondent. Now, a proceedings under the Essential Commodities Act, are contemplated against the petitioners.

5. In any event, as the vehicles are under the custody of the authorities, having been seized on 23.12.2017 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, pending proceedings before the respondents, this Court is of the view that the vehicles may be released by imposing conditions on the petitioners for release of the same.

6. 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.25,000/- (Rupees Twenty 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."

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

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Ranyakumari District,
Nagercoil.



2.The Special Tahsildar,
Flying Squad,
Kanyakumari District,
Nagercoil.

WEB COPY

+2cc to M/S.T.Lenin Kumar, Advocate SR.No. 49750, 49751
+1cc to Special Government Pleader, SR.No. 50599

W.P (MD) Nos.3427 and 3428 of 2018
20.02.2018

MYR

JM/SV MMS/SAR 4/23.02.2018/3P/6C