



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) Nos.3432 and 3433 of 2018

T.Raju ... Petitioner in W.P.(MD)No.3432 of 2018
J.Jose Bensikar ... Petitioner in W.P.(MD)No.3433 of 2018

-Vs-

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The District Revenue Officer,
Pudukkottai District, Pudukkottai.
3. The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.
4. The Inspector of Police,
Mimesal Police Station,
Pudukkottai District. ... Respondents in both W.Ps.

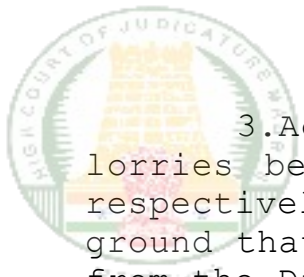
Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to release the lorry bearing Registration Nos.TN 42 B 8238 and TN 75 W 7227 respectively seized by the fourth respondent on 13.02.2018.

For Petitioners : Mr.A.V.Rajasekaran
For Respondents : Mr.P.Kanni Devan,
Additional Government Pleader.
(In both Writ Petitions)

COMMON ORDER

These writ petitions have been filed seeking direction to the third respondent to release the petitioners' lorry Registration Nos.TN 42 B 8238 and TN 75 W 7227 respectively seized by the fourth respondent on 13.02.2018.

2.Heard Mr.A.V.Rajasekaran, learned counsel appearing for the petitioners and Mr.P.Kanni Devan, learned Additional Government Pleader appearing for the respondents in both the writ petitions.



3. According to the petitioners, they are the owners of the lorries bearing registration Nos. TN 42 B 8238 and TN 75 W 7227 respectively. The fourth respondent seized the lorries on the ground that the lorries are transported sand without proper permit from the District Collector, Ramanathapuram District.

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4. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the petitioners illegally transported the sand without proper permit. Hence, the lorries have been seized and subsequently, criminal cases are registered against the petitioners in Crime No. 13 and 14 respectively.

5. In any event, as the vehicles are under the custody of the authorities, having been seized on 13.02.2018 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, 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. 50,000/- (Rupees Fifty Thousand only), each before the third 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 (AS)

/True copy/



To

1. The District Collector,
Pudukkottai District, Pudukkottai.

2. The District Revenue Officer,
Pudukkottai District, Pudukkottai.

3. The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.

4. The Inspector of Police,
Mimesal Police Station,
Pudukkottai District.

+2. CC to M/S.A.V.Rajasekaran, Advocate SR.Nos.50307, 50308

W.P (MD) Nos.3432 and 3433 of 2018
20.02.2018

Myr

MKV-CM-VR-SAR 3/27.2.2018/3P-7C