



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.4356 of 2018

Vincent Xavier

... Petitioner

Vs.

1.The Revenue Divisional Officer/
1st Class Administrative Magistrate,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to release the petitioner's tractor and trailer bearing registration Nos.TN 65 AE 6870 and TN 65 P 3148 respectively.

For Petitioner	: Mr.S.Sathya Chidambaram
For Respondents	:Mr.P.Kanni Devan Additional Government Pleader

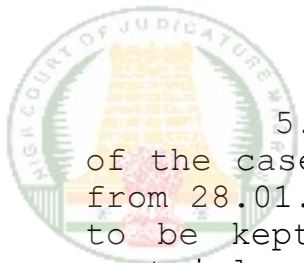
ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's tractor and trailer bearing registration Nos.TN 65 AE 6870 and TN 65 P 3148 respectively.

2.Heard Mr.S.Sathya Chidambaram, learned counsel appearing for the petitioner and Mr.P.Kanni Devan, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, he is the owner of the tractor and trailer bearing registration Nos.TN 65 AE 6870 and TN 65 P 3148 and he is an agriculturist. On 28.01.2018, while he was transporting sand in the above vehicle for some bona fide agricultural purpose, the second respondent has seized the vehicle and registered a case in Crime No.6 of 2018 for the offence under Section 21 (iv) of the Mines and Minerals (Development & Regulation), Act, 1957. When the petitioner approached the respondents to release the vehicle, they refused to return the same. Hence, this writ petition has been filed.

4.On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that the petitioner has transported sand illegally without any valid permit and a case has also been registered in that regard.



5. In the above circumstances, without going into the merits of the case, as the vehicle is under the custody of the respondents from 28.01.2018 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.

6. 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.10,000/- (Rupees Ten Thousand only), before the first 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."

7. This Writ petition is ordered accordingly. No costs.

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer/
1st Class Administrative Magistrate,
Ramanathapuram,
Ramanathapuram District.

2. The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.

+1cc to M/s. Special Government Pleader, SR.No.52994

WP (MD) No.4356 of 2018

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