



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.5189 of 2018

M.Vanathi

.. Petitioner

Vs.

1.The Sub Collector,
Sub Collector Office,
Paramakudi,
Ramanathapuram District.

2.The Inspector of Police (at Muthukulathur),
Peraiyur Police Station,
Kamuthi Taluk,
Ramanathapuram District.

3.The Tahsildar,
Tahsildar Office,
Kamuthi Taluk,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondents to release the petitioner's Lorry bearing Registration No.TN 48 AC 8760 within a time frame that may be fixed by this Court.

For Petitioner : Mr.M.Muniasamy

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's vehicle namely Lorry bearing Registration No.TN 48 AC 8760.

2.Heard Mr.M.Muniasamy, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

3.According to the petitioner, she is the owner of the lorry bearing Registration No.TN 48 AC 8760. While transporting soil from her land on 20.02.2018, the third respondent has seized the above vehicle. When the petitioner approached the respondents to release the vehicle, they refused to return the vehicle. Hence, this writ petition has been filed.

4. The learned Government Advocate appearing for the respondents submitted that the vehicle in question was used for transportation of river sand from Kundalaru river without any valid



permit and hence the vehicle was seized.

5. In the above facts and circumstances, as the vehicle is under the custody of the respondents from 20.02.2018 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.25,000/- (Rupees Twenty Five 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 Sub Collector,
Sub Collector Office,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police (at Muthukulathur),
Peraiyur Police Station,
Kamuthi Taluk,
Ramanathapuram District.



3.The Tahsildar,
Tahsildar Office,
Kamuthi Taluk,
Ramanathapuram District.

+1cc to Mr.M.MUNIASAMY Advocate, SR.No.54488

+1cc to M/s.Special Government Pleader,SR.No.54927

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MJ

KK/SKN RSK/22.03.2018/SAR-1/3P-6C