



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.5901 of 2018

WEB COPY

P.Ravindran

... Petitioner

Vs.

The Sub Collector,
Palani,
Dindigul District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent and his subordinates to release the Tipper Lorry bearing Registration No.TN-18-L-6931 seized on 14.03.2018 by the respondent to petitioner.

For Petitioner	: Mr.D.Venkatesh
For Respondent	: Mr.Aayiram K.Selvakumar
	Additional Government Pleader

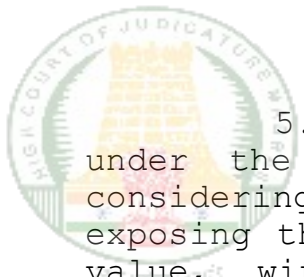
ORDER

This writ petition has been filed seeking direction to the respondent to release the tipper lorry bearing Registration No.TN-18-L-6931, seized on 14.03.2018 by the respondent to the petitioner.

2.Heard Mr.D.Venkatesh, learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondent.

3.According to the petitioner, he is the owner of the tipper lorry bearing Registration No.TN-18-L-6931. The petitioner's lorry was engaged by one Dhanasekaran, who is having a valid permit to quarry red sand in his patta land. While the said vehicle was used for transporting red sand under valid permit, the respondent has seized the same on the ground that the party transported the sand after 06.00 pm., which is not permissible as per permit conditions. When the petitioner approached the respondent to release the vehicle, he refused to release the vehicle. Hence, this writ petition has been filed.

4.On the other hand, the learned Additional Government Pleader appearing for the respondent, on instructions, submitted that as per the permit conditions, the petitioner should transport red sand before 06.00 pm. Since the vehicle was involved in transporting red sand after 06.00 pm, the respondent has seized the



5.Considering the fact that the vehicle in question is under the custody of the respondent from 14.03.2018 and also 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, without going into the merits of the case, pending proceedings before the respondent, this Court is of the view to release the vehicle by imposing some conditions on the petitioner, as stated below.

6.Accordingly, the respondent is 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 respondent 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 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 respondent;

(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 respondent."

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

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The Sub Collector,
Palani, Dindigul District.

+1cc to M/S.D.Venkatesh, Advocate SR.No. 56570

+1cc to Special Government Pleader, SR.No. 56952

WP(MD) No.5901 of 2018

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