



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.5902 of 2018

Sunil

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The District Revenue Officer,
Tuticorin District,
Tuticorin.

3.The Revenue Divisional Officer/
Sub Collector,
Tuticorin.

4.The Inspector of Police,
Pudukottai Police Station,
Tuticorin District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus direct the third respondent to release the lorry bearing Registration No. TN 47 AU 3184 seized by the fourth respondent on 16.03.2018.

For Petitioner
For Respondents

:Mr.A.V.Rajasekaran
:Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the third respondent to release the lorry bearing Registration No.TN 47 AU 3184 seized by the fourth respondent on 16.03.2018.

2.Heard Mr.A.V.Rajasekaran, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, he is the owner of the lorry bearing Registration No.TN-47-AU-3184. While the petitioner was transporting sand for agricultural purpose, the fourth respondent has seized the vehicle. When the petitioner approached the



respondents, they refused to release the vehicle in question. Hence, this writ petition has been filed.

4. On the other hand, the learned Special Government Pleader appearing for the respondents, on instructions, submitted that the vehicle in question was used for transportation of river sand without any valid permit and hence the fourth respondent has seized the vehicle.

5. Considering the fact that the vehicle in question is under the custody of the fourth respondent from 16.03.2018 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 respondents, this Court is of the view to release the vehicle by imposing some conditions on the petitioner, as stated below.

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.50,000/- (Rupees Fifty Thousand only), before the third 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 (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tuticorin District,
Tuticorin.



2.The District Revenue Officer,
Tuticorin District,
Tuticorin.

3.The Revenue Divisional Officer/
Sub Collector,
Tuticorin.

4.The Inspector of Police,
Pudukottai Police Station,
Tuticorin District.

+1CC to Mr.A.V.Rajasekaran, Advocate, SR.No. 56744

+1CC to the Special Government Pleader SR.No.56751

WP(MD) No.5902 of 2018

mj

AM/RSK/SAR 4/21.03.2018/3P/7C