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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 28.03.2018

CORAM :

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

W.P.(MD)No.6990 of 2018

R.Victor ... Petitioner

**Vs.**

1. The District Collector,
   Kanyakumari District,
   Kanyakumari.

2. The Assistant Director of Geology and Mines,
   Nagercoil, Kanyakumari District.

3. The Revenue Divisional Officer,
   Revenue Divisional Office,
   Nagercoil,
   Kanyakumari District.

4. The Inspector of Police,
   Aralvoimozhi Police Station,
   Kanyakumari District. ... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle Lorry bearing Registration No.TN75-AC-5917 (Earlier Registration No.KL-20-5050) within the time stipulated by this Court.

For Petitioner : Mr.J.Ashok
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

**ORDER**

This Writ Petition has been filed seeking a direction to release the petitioner's vehicle bearing Registration No.TN75-AC-5917.

2.According to the petitioner, he is the owner of the above said vehicle and on 22.10.2017, the respondents seized the vehicle and kept it in his custody. On 25.10.2017, the petitioner made a representation to the respondents seeking to release the vehicle,

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but so far, the respondents have not released the vehicle.

3.The learned Special Government Pleader on instructions submitted that the respondents have seized the above said vehicle while transporting sand without transport permits.

4.Without going into the merits of the case, as the vehicle is under the custody of the authorities, having been seized on 22.10.2017 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, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

5.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 vehicles 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 vehicles 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."

6.This Writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

**To**

1. The District Collector,
   Kanyakumari District,
   Kanyakumari.

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   Nagercoil, Kanyakumari District.

4. The Inspector of Police,
   Aralvoimozhi Police Station,
   Kanyakumari District.

+ 1 CC TO Mr.J.ASHOK, ADVOCATE IN SR No. 58655
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59493

TA
TE/SV-MMS/SAR-4 : 06/04/2018 : 3P/7C

W.P.(MD)No.6990 of 2018
28.03.2018

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