



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.737 of 2018

S.Nedumaran

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.

3.The Revenue Inspector Mines,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Tipper Lorry bearing Registration No.TN-59-V-3501 seized on 29.12.2017 by the third respondent, hand over to me.

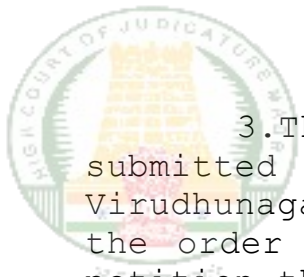
For Petitioner : Mr.Niranjana S.Kumar
for M.Subash Babu

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader.

ORDER

This Writ Petition has been filed for seeking a direction to the second respondent to release vehicle.

2.According to the petitioner, he is the owner of the vehicle, namely, Tipper Lorry bearing Registration No.TN-59-V-3501 and it was carried M/Sand from Gomathi Blue Metals, Karuppur, Ettaiyapuram Taluk, Tuticorin District to Madurai on 29.12.2017 after getting proper trip sheet and cash bill from the quarry owner and the third respondent inspected the vehicle and seized the same on the ground that the petitioner transported the M/Sand without permission. In the above circumstances, the petitioner



3.The learned counsel appearing for the petitioner has submitted that earlier the Lorry Owners Association of Virudhunagar District filed W.P.(MD)No.18776 of 2017 challenging the order issued by the District Collector and in the said writ petition this Court passed an order of status quo. Based on that, the District Collector, Virudhunagar District issued a direction by proceedings in ந.க.க.எ.எ.1/31528/2016, dated 23.10.2017 directing the revenue officials not to seize any vehicle carrying M/Sand till the disposal of the Writ Petition pending before this Court and in view of the same the respondent cannot seize the vehicle.

4.The learned counsel for the respondents submitted that the proceedings passed by the District Collector is only based on the order passed by this court in the Writ Petition filed by the Virudhunagar Lorry Association and the said order is not applicable to the petitioner, hence, the petitioner cannot claim any advantage on the direction issued by the District Collector.

5.Considering the rival submissions as submitted by the learned counsel for the petitioner that already the District Collector issued a direction to the revenue authorities not to seize the vehicle transporting M/Sand and the order can also be extended to other petitioners also. In the above circumstances, this Court is inclined to release the vehicle on the following conditions:

(a) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(b) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(c) On compliance of the above conditions, the second respondent is directed to release the seized vehicle bearing Registration No. TN-59-V-3501 to the petitioner, within three days from the date of receipt of a copy of this order;

(d) The respondents are at liberty to take appropriate proceedings against the petitioner and if it is found that the lorry has been used to transport the sand beyond the bonded area for other purpose, it is always open to the respondents to impose necessary penalty for the lorry as well as the alleged transported sand by

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



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Sd/-
Assistant Registrar(W)

/True Copy/

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Sub Assistant Registrar

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.
- 3.The Revenue Inspector Mines,
Virudhunagar,
Virudhunagar District.

+1CC to Mr.Subash Babu, Advocate, SR.No. 42826
+1CC to the Special Government Pleader SR.No.43141

W.P (MD) No.737 of 2018
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