



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2018

CORAM

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THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.7641 of 2018

R.Arockiasamy

... Petitioner

vs.

1. The District Collector,  
Sivagangai.

2. The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.

3. The Inspector of Police,  
Karaikudi North Police Station,  
Sivagangai District.

... Respondents

**PRAYER** : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents 2 and 3 herein to release the vehicle (Tipper Lorry), bearing registration No. TN 63 AS 7428 along with sand to the petitioner forthwith.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.V.Anand  
Government Advocate

### **O R D E R**

The petitioner seeks for a writ of mandamus directing the respondents to release the petitioner's Tipper Lorry bearing Registration No.TN 63 AS 7428 seized on 17.03.2018 by the respondents.

2.According to the petitioner, even though, the respondents have seized the vehicle, while transporting the river sand from his patta land and the same was kept in the custody of the third respondent police / the Inspector of Police, Karaikudi North Police Station, Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>

3.On the other hand, it is submitted by the learned Government



Advocate appearing for the respondents that no prior intimation was given to them before transporting the sand and hence, the respondent police seized the vehicle.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 17.03.2018 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 can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

5. Accordingly, the second respondent, is directed to release the vehicle in question to the petitioner within a period of seven days from the date of receipt of a copy of this order subject to the following conditions:

- "(i) The petitioner shall produce documents before the second respondent under whose custody the vehicle is kept, 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 second respondent herein;
- (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;
- (vi) The second respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and
- (vii) The petitioner is also directed to participate in the enquiry to be conducted by the second respondent."

6. The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/



To:

1. The District Collector,  
Sivagangai.
2. The Revenue Divisional Officer,  
Devakottai,  
Sivagangai District.
3. The Inspector of Police,  
Karaikudi North Police Station,  
Sivagangai District.

+ 1 cc TO Mr.AL.Kannan , Advocate in SR No. 61688

mm/cp

AE/JC/SAR1/07.05.2018/3P/5C

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