



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8699 of 2018

M.Pandiyarajan

... Petitioner

vs.

1.The District Collector
Sivagangai District

2.The Assistant District Collector
Sivagangai District

3.The Thasildar
Thirumayam Taluk
Pudukkottai District

4.Inspector of Police
Sakkottai Police Station
Sivagangai District

5.The Assistant Director
Mines and Mineral Department
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 to 4 herein to release the petitioner's vehicle bearing registration No.TN50 R9671 within a stipulated time.

For Petitioner : Mrs.Jainab Beevi
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

The petitioner seeks for a writ of mandamus directing the respondents 2 to 4 to release his vehicle, namely, Bolero Truck bearing registration No.TN50 R9671, seized on 09.04.2018 by the fifth respondent.

2. According to the petitioner, even though his driver had plied the aforesaid vehicle with all relevant documents, the fifth respondent has seized the vehicle.

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

3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicle was seized



as the same was plied without valid papers, including registration certificate books and transport permit for transporting sand.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 09.04.2018 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 first 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 first 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 first 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 Assistant Sub Collector, Sivagangai, 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 Assistant Sub Collector, Sivagangai,."

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector, Sivagangai District.
2. The Assistant District Collector, Sivagangai District.
3. The Thasildar, Thirumayam Taluk, Pudukkottai District.
4. Inspector of Police, Sakkottai Police Station, Sivagangai District.
5. The Assistant Director, Mines and Mineral Department, Sivagangai District.

+1cc to Mr.M.Vivekanandan, Advocate, SR.No.62355

krk

RL/7C/2P/SV/MMS/SAR1/27/4/2018

W.P. (MD) No.8699 of 2018
19.04.2018