



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.10499 of 2018

Muthumeenal

... Petitioner

vs

1.The Revenue Divisional Officer,
Ramangar,
Devakottai Divisional Office,
Sivagangai District.

2.The Assistant Director of Geology,
Sivagangai Collectorate Office,
Sivagangai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents herein to release the petitioner's Tipper Lorry bearing Registration No.TN 63-T-7112, within the time stipulated by this Court.

For Petitioner : Mr.A.Shajahan

For Respondents : Mr.S.Nagarajan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents herein to release the petitioner's Tipper Lorry bearing Registration No.TN 63-T-7112, within the time stipulated by this Court.

2.According to the petitioner, the vehicle in question has not been used in any illegal transportation. But the second respondent has seized the same without assigning any reason and handed over to the third respondent police.



3. The learned Special Government Pleader appearing for the respondents submitted that the vehicle in question was involved in illegal transportation of sand and hence it was seized.

4. This Court is not convinced with the statement of the learned Counsel for the petitioner that the vehicle belonging to the petitioner is not involved in any illegal transportation or illegal mining. Having regard to the fact that the loss that may be caused to the petitioner if the vehicle is allowed to be kept idle is irreparable, this Court is inclined to issue the following directions:

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) in cash before the first respondent;

(b) The petitioner is directed to produce all the documents to prove the ownership of the seized vehicle before the first respondent;

(c) The petitioner has to file an affidavit of undertaking that she 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, she will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No.TN 63-T-7112 to the petitioner (if she is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(f) it is open to the respondents to initiate appropriate proceedings against the petitioner and others for the alleged violation or irregularity, which prompted the respondents to confiscate the vehicle. Depending upon the final order that may be passed by the respondents, the petitioner is also at liberty to seek refund of any



excess amount paid pursuant to this order."

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/
Vacation Officer

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ramangar,
Devakottai Divisional Office,
Sivagangai District.
2. The Assistant Director of Geology,
Sivagangai Collectorate Office,
Sivagangai.
3. The Inspector of Police,
North Police Station,
Karaikudi, Sivagangai District.

+1cc to Mr.A.SHAJAHAN, Advocate, SR.No.65050
+1cc to M/s.Special Government Pleader, SR.No. 65156

W.P (MD) No.10499 of 2018
03.05.2018

PS/CMR
KK/RSK/08.05.2018/SAR-3/3P-6C