



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.10506 of 2018

Muniyasamy

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

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

3. The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
(Crime No.31 of 2018)

... 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 vehicle bearing Registration No.TN-65-AY-4750.

For Petitioner : Mr.S.Muniyandi

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

ORDER

This Writ Petition has been filed seeking a direction to the respondents to release the petitioner's vehicle (Tipper Lorry) bearing Registration No.TN-65-AY-4750, seized by the third respondent on 07.04.2018.

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

3. The learned Additional 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 second respondent;

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

(c) The petitioner has 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;

(d) On compliance of the above conditions, the second respondent is directed to release the seized vehicle bearing Registration No.TN-65-AY-4750 to the petitioner (if he 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 officials 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(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.

+ 1 cc TO Mr.S.Muniyandi , Advocate in SR No. 665058
+ 1 cc TO The Special Government Pleader in SR No. 65168

gk/pjl
AE/KKR/SAR4/09.05.2018/3P/6C

W.P (MD) No.10506 of 2018
03.05.2018