

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 03.05.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.10507 of 2018**

Ganesamoorthy

... 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 Nos.TN-59-AW-2381 and TN-59-AW-6936.

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 vehicles (Tipper Lorries) bearing Registration Nos.TN-59-AW-2381 and TN-59-AW-6936, seized by the third respondent on 07.04.2018.

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

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

3. The learned Additional Government Pleader appearing for

the respondents submitted that the vehicles in question were involved in illegal transportation of sand and hence they were seized.

4. This Court is not convinced with the statement of the learned Counsel for the petitioner that the vehicles belonging to the petitioner are 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 vehicles are 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), for each vehicle, in cash before the second respondent;

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

(c) The petitioner has to file an affidavit of undertaking that he will cause production of the vehicles in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicles 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 vehicles bearing Registration Nos.TN-59-AW-2381 and TN-59-AW-6936 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 vehicles can be pressed into service by the petitioner only if the vehicles are not in the custody of the criminal Court. If the vehicles are 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 vehicles, 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 vehicles. 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. 65057
+ 1 cc TO The Special Government Pleader in SR No. 65174

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

W.P(MD)No.10507 of 2018
03.05.2018