



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)No.10579 of 2018
and
W.M.P.(MD) No.9650 of 2018

A.Savarimuthu

... Petitioner

Vs.

1) The Sub Collector,
Paramakudi,
Ramanathapuram District.

2) The Tahsildhar,
Mudukulathur Taluk,
Ramanathapuram District.

3) The Inspector of Police,
Therunali Police Station,
Ramanathapuram District.

... 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 respondent to release the tractor bearing registration No.TN65 Z 3037, seized on 04.04.2018, which is in the custody of the respondent by considering the representation of the petitioner dated 24.04.2018, within a time frame that maybe stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh

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

ORDER

This Writ Petition is filed seeking to issue a direction to the respondents to release the petitioner's vehicle bearing Registration No.TN 65 Z 3037, seized by the second respondent on 04.04.2018.

2. According to the petitioner, the vehicle in question was not used for any illegal transportation. But the second 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 is 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 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.25,000/- (Rupees Twenty Five Thousand only), in cash before the second respondent;

(b) The petitioner is directed to produce all the documents to move the ownership of the seized vehicle before the 2nd respondent;

(c) The petitioner has to file an affidavit of undertaking that they 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, they 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 Nos. TN 65 Z 3037 to the petitioner (if they are 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."

6. Accordingly, the Writ Petition is disposed of. However,



there shall be no order as to costs. Consequently, connected W.M.P. (MD) No.9650 of 2018 is closed.

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/True Copy/

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar

To

- 1) The Sub Collector,
Paramakudi, Ramanathapuram District.
- 2) The Tahsildhar,
Mudukulathur Taluk,
Ramanathapuram District.
- 3) The Inspector of Police,
Therunali Police Station,
Ramanathapuram District.

+1CC to Mr.S.C.Herold Singh Advocate in SR.No.65072.

STS/PMU

DS/MMS/SAR-1 :18.05.2018: 3P/5C

Order in
W.P. (MD) No.10579 of 2018
03.05.2018