



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2018

CORAM

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No.11178 of 2018

Titus

...Petitioner

Vs.

1. The District Collector,  
Pudukkottai District,  
Pudukkottai.
2. The District Revenue Officer,  
Pudukkottai District,  
Pudukkottai.
3. The Revenue Divisional Officer,  
Pudukkottai,  
Pudukkottai District.
4. The Inspector of Police,  
Namunasamuthiram Police Station,  
Pudukkottai District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the third respondent to release the Tipper Lorry bearing Registration No.TN 81 B 1199 seized by the third respondent on 01.05.2018.

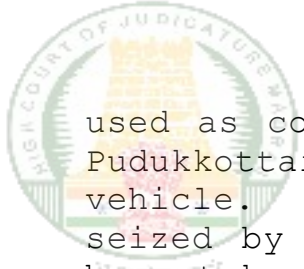
|                 |                                                       |
|-----------------|-------------------------------------------------------|
| For Petitioner  | :Mr.A.V.Rajasekaran                                   |
| For Respondents | :Mr.A.K.Baskara Pandian<br>Special Government Pleader |

**O R D E R**

The present writ petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to release the Tipper Lorry bearing registration No.TN 81 B 1199, seized by the third respondent on 01.05.2018.

2.Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The learned Counsel for the petitioner would submit that the petitioner's vehicle bearing Registration No.TN 81 B 1199, was



used as contract carriage and the petitioner has taken sand from Pudukkottai to Thiruppathur, on 01.05.2018, in the aforesaid vehicle. It is further submitted that the said vehicle has been seized by the third respondent for the reason that the sand has been taken illegally, without any permit. Now, the said vehicle is under the custody of the fourth respondent for two weeks without any safety. Therefore, the present writ petition has been filed.

4.The learned Special Government Pleader appearing for the respondents would submit that the petitioner was illicitly transporting sand in the aforesaid vehicle. He would further submit that in the event of this Court granting release of the said vehicle, the petitioner shall undertake that the vehicle shall be released on depositing some amount as per the directions of this Court and also the petitioner shall not indulge in transporting sand in future.

5.Considering the aforesaid submissions of the parties concerned, this Court is inclined to pass the following order:

i)The petitioner has to produce the original RC book, before the third respondent to prove the ownership of the said vehicle.

ii)As and when required, the petitioner has to produce the vehicle before the third respondent and if any proceedings is pending, the petitioner shall not alienate the vehicle, till the proceedings is concluded.

iii)The petitioner is directed to deposit a sum of Rs.50,000/- [Rupees Fifty Thousand only] to the third respondent subject to the outcome of any final proceedings.

iv)the petitioner has to give an undertaking before the third respondent that the petitioner will not transport sand illicitly, in future.

6.In future, if any violation of the above said conditions, the third respondent is at liberty to seize the vehicle in addition to the initiation of appropriate departmental action.

7.In the event of compliance of the aforesaid conditions by the petitioner, the third respondent is directed to release the vehicle immediately to the petitioner.

8.With the above directions, the writ petition stands disposed of. No costs.

Sd/-  
Vacation Officer

/True Copy/



To

1. The District Collector,  
Pudukkottai District, Pudukkottai.

2. The District Revenue Officer,  
Pudukkottai District, Pudukkottai.

3. The Revenue Divisional Officer,  
Pudukkottai, Pudukkottai District.

4. The Inspector of Police,  
Namunasamuthiram Police Station,  
Pudukkottai District.

+1cc to Mr.A.V.Rajasekaran, Advocate Sr.No.66094

+1cc to Spl.Government Pleader Sr.No.66202

MM/CMR

VB/SKN/RSK/SAR3/28/05/2018/3P/7C

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24.05.2018