



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.05.2018

CORAM

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P.(MD) No.11241 of 2018
and W.M.P(MD)No.10274 of 2018

M.Muthuramalingam

... Petitioner

vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Srivaikundam Taluk, Thoothukudi District.

3.Assistant Director,
Geology and Mining, Thoothukudi.

4.The Sub-Inspector of Police,
Morappanadu Police Station,
Thoothukudi District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein to pass appropriate orders to release the Tipper Lorry of the petitioner bearing Registration No.TN-72-AA-4748.

For Petitioner : Mrs.Porkodi Karnan
for M/s.Polax Legal Solutions

For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader.

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the second respondent herein to pass appropriate orders to release the Tipper Lorry of the petitioner bearing Registration No.TN-72-AA-4748 within a stipulated time.

2. According to the petitioner, even though his driver had plied the aforesaid vehicle with all relevant documents, the fourth respondent has seized the vehicle.

3. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle had been involved in transportation of cravel sand without valid



license.

4. In any event, as the vehicle is under the custody of the third respondent having been seized on 14.05.2018 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

5. Accordingly, the second respondent is directed to release the vehicle in question to the petitioner within a period of seven days from the date of receipt of a copy of this order subject to the following conditions:

- "(i) The petitioner shall produce necessary documents before the second respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) before the second respondent herein;
- (iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;
- (iv) On doing so, the vehicle in question shall be returned to the petitioner;
- (v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- (vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

6. The writ petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar



To:

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Srivaikundam Taluk,
Thoothukudi District.

3.Assistant Director,
Geology and Mining,
Thoothukudi.

4.The Sub-Inspector of Police,
Morappanadu Police Station,
Thoothukudi District.

+1CC to M/s.Polex Legal Solutions, in SR.No.66439.

PS/PM

AM/SKN-RSK/SAR-1 :08.06.2018: 3P/6C

W.P (MD) No.11241 of 2018
31.05.2018