



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.05.2018

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.(MD) No.11722 of 2018

S.Thangasamy

... Petitioner

vs.

1.The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Collectorate, Trichy

2.The Inspector of Police
Thiruverumbur Police Station
Thiruverumbur, Trichy District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st respondent to release the petitioner's Tipper Lorry bearing Registration No.TN-20-CZ-1899 seized on 23.04.2018 and keeping under the custody of the 2nd respondent by considering the petitioner's representations dated 23.04.2018 and 29.05.2018.

For Petitioner : Mr.S.Karthick Subramanian

For Respondents : Mr.K.Saravanan
Government Advocate

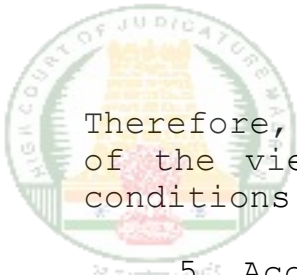
O R D E R

The petitioner seeks for a writ of mandamus directing the 1st respondent to release his vehicle, namely, Tipper Lorry bearing Registration No.TN-20-CZ-1899 seized on 23.04.2018 and keeping under the custody of the 2nd respondent by consider the petitioner's representations dated 23.04.2018 and 29.05.2018.

2. According to the petitioner, even though his driver had plied the aforesaid vehicle with all relevant documents, the Assistant Director of Mines and Minerals has seized the vehicle.

3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicle had been involved in illegal quarry operation without valid license.

4. In any event, as the vehicle is under the custody of the second respondent having been seized on 23.04.2018 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 first 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 first 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 first 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.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Collectorate, Trichy.
2. The Inspector of Police,
Thiruverumbur Police Station,
Thiruverumbur, Trichy District.

+1cc to M/S.S.Karthick Subramanian, Advocate SR.No. 66323

+1cc to Special Government Pleader, SR.No. 66480

W.P. (MD) No.11722 of 2018