



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) Nos.12245 and 12246 of 2018

Rijo ... Petitioner in W.P.(MD)No.12245 of 2018
Justin ... Petitioner in W.P.(MD)No.12246 of 2018

-VS-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

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

4.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

... Respondents in both W.Ps.

COMMON PRAYER: Writ petitions filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the third respondent to release the Lorry bearing Registration Nos. TN 48 AE 9832 and TN 45 BJ 7038 seized by the fourth respondent on 30.05.2018.

For Petitioners : Mr.A.V.Rajasekaran
For Respondents : Mr.J.Gunaseelan Muthiah,
(in Both Writ Petitions) Additional Government Pleader.

COMMON ORDER

The petitioners seek for a Writ of Mandamus, directing the third respondent to release the Lorry bearing Registration Nos. TN 48 AE 9832 and TN 45 BJ 7038 seized by the fourth respondent on 30.05.2018.

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

3.On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicles were seized as the same were plied without valid papers, including



registration certificate books and transport permit for transporting sand.

4. In any event, as the vehicles are under the custody of the respondents having been seized on 30.05.2018 and considering the fact that if the same are 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 vehicles can be released by imposing certain conditions on the petitioners for release of the aforesaid vehicles.

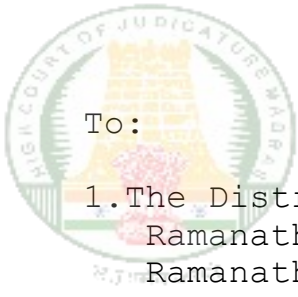
5. Accordingly, the third respondent is directed to release the vehicles in question to the petitioners within a period of seven days from the date of receipt of a copy of this order subject to the following conditions:

- "(i) The petitioner shall produce documents before the third respondent under whose custody the vehicles are kept, to establish the ownership of the vehicles in question;
- (ii) The petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each before the third respondent herein;
- (iii) The petitioners shall give an undertaking that they will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;
- (iv) On doing so, the vehicles in question shall be returned to the petitioners;
- (v) The petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned;
- (vi) The third respondent is directed to expedite the proceedings and pass a final order within a period of four weeks from the date of receipt of a copy of this order; and
- (vii) The petitioners are also directed to participate in the enquiry to be conducted by the third respondent."

6. These writ petitions are ordered accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True copy/



To:

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.

+2cc to Mr.A.V.Rajasekaran, Advocate, SR.No.67300 & 67301.
+1cc to Special Government Pleader, SR.No.67495.

W.P.(MD)Nos.12245 and 12246 of 2018
08.06.2018

myr

RAM/SKN RSK/SAR 4/13.06.2018/3P/8C