



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P(MD)No.12473 of 2018

Kanagaraj

... Petitioner

vs

1. The Assistant Director of Mines and Minerals,
Office of the Assistant Director of Mines and Minerals,
Trichy.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Srirangam Revenue Divisional,
Vannankovil,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the second respondent to release the petitioner's Tractor and Trailor bearing Reg.No.TN-45-AE-4048 seized on 29.05.2018 and keeping under the custody of the second respondent by consider the petitioner's representation dated 29.05.2018 and 08.06.2018.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.V.Anand

Government Advocate

ORDER

This Writ Petition has been filed to direct the second respondent to release the petitioner's Tractor and Trailor bearing Reg.No.TN-45-AE-4048 seized on 29.05.2018 and keeping under the custody of the second respondent by considering the representation dated 29.05.2018 and 08.06.2018.

2.According to the petitioner, the vehicle in question has not been used for any illegal transportation. But the first respondent has seized the same without assigning any reason and handed over to the second respondent.

3.The learned Government Advocate appearing for the respondents submitted that the vehicle in question was involved in illegal transportation of sand and hence it was 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 prove the ownership of the seized vehicle before the second respondent;

(c) The petitioner has to file an affidavit of undertaking that he 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, he 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 No. TN -45-AE-4048 to the petitioner (if he is 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."

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)



1. The Assistant Director of Mines and Minerals,
Office of the Assistant Director of Mines and Minerals,
Trichy.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Srirangam Revenue Divisional,
Vannankovil,
Trichy.

+ 1 cc TO Mr.T.Vadivelan , Advocate in SR No. 68862

mm

AE/RSK/SAR1/26.06.2018/3P/4C

W.P (MD) No.12473 of 2018
19.06.2018