



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.15329 of 2018

and

W.M.P. (MD) No.13826 of 2018

J. Jeyakumar

... Petitioner

vs.

1. The District Collector,
Kanyakumari District,
At Nagercoil.

2. Assistant Director of Geology and Mines,
Kanyakumari District,
At Nagercoil.

3. The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay, Kanyakumari District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents to release the petitioner's vehicle bearing Reg.No.TN 75 K 1865 which was unauthorisedly seized by the third respondent on 07.07.2018 at 02.30p.m., and kept in his office premise unauthorisedly.

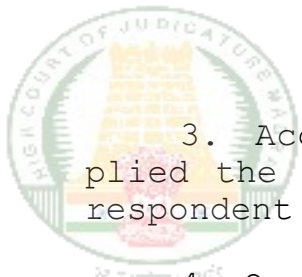
For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

ORDER

Mr.C.K.M.Appaji, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Additional Government Pleader, appearing for the respondents.

2. The petitioner seeks for a writ of mandamus directing the respondents to release his vehicle, namely, Tempo bearing registration number TN 75 K 1865, seized on 07.07.2018 by the third respondent.



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

4. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle was seized as the same was plied without valid papers, including registration certificate books and transport permit for transporting sand.

5. In any event, as the vehicle is under the custody of the respondents having been seized on 07.07.2018 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.

6. Accordingly, the third 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 documents before the third respondent under whose custody the vehicle is kept, to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the third 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 third respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and



(vii) The petitioner is also directed to participate in the enquiry to be conducted by the third respondent."

7. The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. Assistant Director of Geology and Mines,
Kanyakumari District,
Nagercoil.
3. The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.

+1CC to Mr.C.K.M.Appaji Advocate in SR.No.75222.

DAS
DS/SKN/RSK/SAR-2 :02.08.2018: 3P/5C

W.P. (MD) No.15329 of 2018
26.07.2018