



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17338 of 2018

Sathya

... Petitioner

vs.

1.The Revenue Divisional Officer
Devakottai, Sivagangai District

2.The Tahsildar
Karaikudi Taluk
Karaikudi
Sivagangai District

3.The Assistant Director
Department of Geology and Mines
Sivagangai District

4.The Sub Inspector of Police
Pallathur Police Station
Pallathur, Sivagangai District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent herein to release the petitioner's Tipper Lorry bearing Registration No.TN63-R8424 which was seized on 01.07.2018 by the fourth respondent within a stipulated time.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3. The petitioner seeks for a writ of mandamus directing the respondents to release her vehicle, namely, Tipper Lorry bearing Registration No.TN63-R8424, seized on 01.07.2018 by the fourth respondent.

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4. According to the petitioner, even though her vehicle was plied with all relevant documents, the fourth respondent has seized the vehicle.

5. 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 permits for transporting sand.

6. In any event, as the vehicle is under the custody of the fourth respondent having been seized on 01.07.2018 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.

7. 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 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) for the vehicle before the first respondent herein;
- (iii) The petitioner shall give an undertaking that she 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 first 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 first respondent."

8. The writ petition is ordered accordingly. No costs.

Sd/

Assistant Registrar (T&P)

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/True copy/

Sub Assistant Registrar(CS-III)

To:

- 1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 2.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.
- 3.The Assistant Director,
Department of Geology and Mines,
Sivagangai District.
- 4.The Sub Inspector of Police,
Pallathur Police Station,
Pallathur, Sivagangai District.

+1cc to Mr.J.LAWRANCE, Advocate, SR.No.77148

+1cc to M/s.Special Government Pleader,SR.No. 77464

W.P. (MD) No.17338 of 2018
03.08.2018

KRK

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