



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22926 of 2018

and

W.M.P.(MD)No.20828 of 2018

K.Prabakaran

..Petitioner

/Vs./

1.The Sub Collector,
Palani, Dindigul District.

2.The Tahsildar,
Oddanchatiram,
Dindigul District.

..Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to release the Lorry bearing Registration No. TN-94Z-2505 seized on 23.09.2018, which is in custody of the second respondent by considering the representation of the petitioner dated 05.10.2018, within a time frame that may be stipulated by this Court.

For Petitioner :Mr.C.Herold Singh

For Respondents :Mr.P.Kannidevan

Additional Government Pleader

ORDER

This writ petition has been filed seeking a writ of Mandamus, to direct the respondents to release the petitioner's vehicle ie., Lorry bearing Registration No. TN-94Z-2505.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. According to the petitioner, the official respondent has seized the vehicle in question on the ground that it was involved in transportation of illegal M-sand without any valid permit and the vehicle is still under the police custody. Hence, this Writ Petition is filed.

4. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle in question was used for illegal transportation of M-sand without any

valid permit and hence, it was seized.

5. In any event, as the vehicle is under the custody of the official respondent from the date of seizing 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, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

6. Accordingly, the concerned respondent is directed to release the vehicle in question to the petitioner within a period of 7 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 concerned 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 respondent as non refundable deposit;

(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; and

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

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

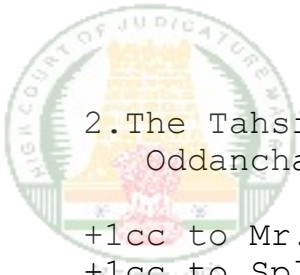
Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

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To
1.The Sub Collector,
Palani, Dindigul District.



2.The Tahsildar,
Oddanchatiram, Dindigul District.

+1cc to Mr.S.S.Herold singh, Advocate in SR No.95614

+1cc to Spl Government Pleader, SR No.95754

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NM/RSK/SAR IV/23.11.18/3P/5C.