



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23096 to 23099 of 2018

A.Mathiyalagan	..Petitioner in W.P. (MD)No.23096 of 2018
K.Vinayagar Murthy	..Petitioner in W.P. (MD)No.23097 of 2018
T.Kalairaja	..Petitioner in W.P. (MD)No.23098 of 2018
M.K.Gopalakrishnan	..Petitioner in W.P. (MD)No.23099 of 2018

/Vs./

1.The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Pandanalur Police Station,
Thanjavur District.

..Respondents in W.P. (MD)No.23096 and 23099 of 2018

1.The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam,
Thanjavur District.

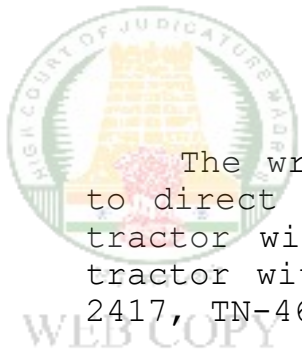
2.The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.

..Respondents in W.P. (MD)No.23097 and 23098 of 2018

Common Prayer: Writ Petitions - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to release the petitioners' tractor with dipper, tractor with dipper, Ashok Leyland Lorry and tractor with dipper bearing Registration No.TN-31-AW-7673, TN-61-A-2417, TN-46-H-3098 and TN-21-R-1866 respectively and within a time stipulated by this Court.

For Petitioner :Mr.B.Jameel Arasu

For Respondents :Mr.P.Kannidevan
Additional Government Pleader
(in all petitions)

COMMON ORDER

The writ petitions have been filed seeking a writ of Mandamus, to direct the respondents to release the petitioners' vehicle ie., tractor with dipper, tractor with dipper, Ashok Leyland Lorry and tractor with dipper bearing Registration No.TN-31-AW-7673, TN-61-A-2417, TN-46-H-3098 and TN-21-R-1866 respectively.

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

3. According to the petitioners, the official respondent has seized the vehicles in question on the ground that they were involved in transportation of illegal chavudu sand without any valid permit and the vehicles are still under the police custody. Hence, the Writ Petitions are filed.

4. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicles in question were used for illegal transportation of chavudu sand without any valid permit and hence, they were seized.

5. In any event, as the vehicles are 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 vehicles may be released by imposing conditions on the petitioner for release of the same.

6. Accordingly, the concerned respondent is directed to release the vehicles in question to the petitioners within a period of 7 days from the date of receipt of a copy of this order subject to the following conditions:

"(i) The petitioners shall produce necessary documents before the concerned respondent to establish the ownership of the vehicles in question;

(ii) The each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), before the respondent as non refundable deposit;

(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; and

(vi) The petitioners are also directed to participate in the enquiry to be conducted by the respondents."



7. With the above directions, this Writ Petitions are disposed of. No costs.

8. It is made clear that the concerned respondent can release the vehicles of the petitioners, after registering cases against them.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

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To

1.The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam, Thanjavur District.

2.The Inspector of Police,
Pandanalur Police Station, Thanjavur District.

3.The Inspector of Police,
Thiruppanandal Police Station, Thanjavur District.

+4cc to Mr.B.Jameel Arasu,Advocate in SR No.96433,96434,96435,96436.
+1cc to Spl Government Pleader, SR No.23096,23097,23098,23099.

W.P(MD)No.23096 to 23099 of 2018

NM/PM/SAR IV/27.11.18/3P/9C.