WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.11.2018
CORAM:
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23328 of 2018

Karuppaiah ... Petitioner

Vs.

1.The District Collector,
Pudukkottai.

2.The Assistant Director,
Mines and Minerals,
Pudukkottai District.

3.The Revenue Divisional Officer,
Iluppur, Pudukkottai District.

4.The Tahsildar,
Iluppur,
Pudukkottai District.

5.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 5th respondent to release the petitioner's Tarash Lorry Bearing Registration No.TN-34-S-8362 which was seized by him on 24.09.2018 at Annavasal Main Road, Iluppur Taluk, Pudukkottai District and entrust the same to the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mrs.J.Padmavathy Devi
Spl.Government Pleader

ORDER

This writ petition has been filed seeking a Writ of Mandamus, to direct the respondents to release the petitioner's Tarash Lorry bearing Registration No. TN-34-S-8362 and entrust the same to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Special 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 sand without any valid permit and the

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

vehicle is still under the police custody. Hence, this Writ Petition is filed.

4.On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle in question was used for illegal transportation of sand without any valid permit and hence, it was seized and the First Information Report was registered.

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 third 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 respondents."*

However, it is made clear that if the vehicle involves in the crime for second time, the concerned respondent shall not release the vehicle.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(CS-III)

/True copy/

https://hcservices.ecourts.gov.in/hcservices/

Sub Assistant Registrar(CS-III)

WEB COPY

To
1.The District Collector,
Pudukkottai.
2.The Assistant Director,
Mines and Minerals,
Pudukkottai District.
3.The Revenue Divisional Officer,
Iluppur, Pudukkottai District.
4.The Tahsildar,
Iluppur, Pudukkottai District.
5.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.

+1cc to Mr.P.GANAPATHI SUBRAMANIAN, Advocate, SR.No. 96678
+1cc to M/s.Special Government Pleader,SR.No. 96769

W.P(MD)No.23328 of 2018

AM
KK/PM/SAR-3/30.11.2018/3P-8C

https://hcservices.ecourts.gov.in/hcservices/