



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23438 of 2018

Kanagaraj

..Petitioner

Vs

1.The Assistant Director,
Mines and Minerals,
Geological Department,
Sivagangai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

3.The Inspector of Police,
Puluthipatti Police Station,
Puluthipatti,
Sivagangai 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 respondents to release the Petitioners Tipper Lorry bearing Registration No.TN-37 BR 6215 which was seized on 18.09.2018 by the third respondent.

For Petitioner :Mr.V.Malaiyendran
For Respondents :Mr.J.Padmavathi Devi
Special Government Pleader

ORDER

This writ petition has been filed seeking a writ of Mandamus, to direct the respondent to release the petitioner's Tipper Lorry bearing Registration No.TN-37 BR 6215.

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 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 Special Government Pleader appearing for the respondents submitted that the vehicle in question was used for illegal transportation of 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), to the credit of second respondent herein, 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."

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

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

Sd/-

Assistant Registrar (CS-III)

/True Copy/



To

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1. The Assistant Director,
Mines and Minerals,
Geological Department,
Sivagangai District.
 2. The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.
 3. The Inspector of Police,
Puluthipatti Police Station,
Puluthipatti,
Sivagangai District.
- 1 CC TO Mr.V.Malaiyendran, ADVOCATE IN SR No. 96985
+1 cc to Special Government Pleader, SR.No.97056.

VSN

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