



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23573 of 2018

S.Ramasamy

... Petitioner

Vs.

1. The Sub-Collector/Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
2. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
3. Assistant Director (Mines & Minerals),
O/o.Assistant Director (Mines & Minerals),
Collectorate Building,
Thoothukudi.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle Ashok Leyland Tipper Lorry, bearing Registration No.TN-72-AM-1134, within the time limit to be fixed by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.C.M.Marichelliah Prabhu

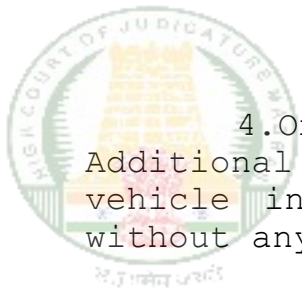
Additional Government Pleader

ORDER

This writ petition has been filed seeking a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle viz., Ashok Leyland Tipper Lorry, bearing Registration No.TN-72-AM-1134.

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 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 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 first 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/

Sub Assistant Registrar (CS-IV)



To

1. The Sub-Collector/Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

2. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

3. The Assistant Director (Mines & Minerals),
O/o. Assistant Director (Mines & Minerals),
Collectorate Building,
Thoothukudi.

+ 1 CC TO Mr.G.THALAIMUTHARASU, ADVOCATE IN SR No. 97326

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 97618

SMN2

TE/PM/SAR-4 : 29/11/2018 : 3P/6C

W.P (MD) No.23573 of 2018
28.11.2018