



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.23632 of 2017

Abdul Jabbar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Thasildar,
Thiruppathur,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, direct the first respondent to release the seized Lorry (J.B) bearing Registration No.TN 28 U 3388 seized by the second respondent on 15.12.2017.

For Petitioner
For Respondents

: Mr.P.Subbaraj
: Mr.M.Govindan,
Special Government Pleader.

ORDER

This Writ Petition has been filed for seeking a direction to the first respondent to release the seized Lorry (J.B) bearing Registration No.TN 28 U 3388 seized by the second respondent on 15.12.2017.

2.According to the petitioner, he is the owner of the aforesaid vehicle and permission has been granted by the Mines Department on 15.12.2017 to transport "Savudu" from Thirupathur to Singampuneri. Pursuant to the permit issued by the Mines Department, the petitioner transported 'Savudu' from Thirupathur to Singampuneri and the lorry was seized by the second respondent on the ground that the permit was issued to the petitioner only for five hours. According to the petitioner, he has not involved any illegal transportation.

3.The learned Special Government Pleader appearing for the respondent has submitted that even though permit was issued only for five hours, the petitioner transported the Savudu soil beyond time granted in the permit.



4. Considering the oral submissions and without going into the merits of the case, since the lorry is seized by the second respondent on 15.12.2017 and handed over to the first respondent, the first respondent is directed to release the lorry with the following conditions:-

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(a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in cash before the first respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No.TN 28 U 3388 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

5. It is always open to the respondents to initiate necessary proceedings against the petitioner for the alleged violation.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Thasildar,
Thiruppathur,
Sivagangai District.

+1cc to M/S.P.Subbaraj, Advocate SR.No. 40357
+1cc to Special Government Pleader, SR.No. 40377

W.P (MD) No.23632 of 2017
04.01.2018

MYR
JM/SKN RSK/SAR 2/09.01.2018/3P/5C