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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.05.2019
CORAM:
THE HONOURABLE MRS. JUSTICE J.NISHA BANU
W.P.(MD)No.11976 of 2019

Velmurugan ... Petitioner

Vs.

1.The Assistant Director,
Mines and Geology,
Sivagangai District.

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

3.The Inspector of Police,
Chettinadu Police Station,
Sivagangai District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the petitioner's vehicle, Tarash Lorry bearing Registration No.TN-33-AE-1963 within the time limit that may be stipulated by this Court, on the basis of the representation given by the petitioner, dated 05.05.2019.

For Petitioner : Mr.S.M.Sanjay
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a direction to the respondents to release the petitioner's vehicle ie., Tarash Lorry bearing Registration No.TN-33-AE-1963.

2. Heard the learned counsel for both sides.

3. The petitioner's vehicle was seized in connection with illegal transportation of sand. The enquiry in this regard is still pending. The learned counsel for the petitioner affirms before this Court that the petitioner's vehicle was not involved in any previous incident of sand theft or illegal transportation of sand.

4. The submission of the learned counsel for the petitioner is placed on record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. I am of the view that no purpose will be served by keeping the vehicle in question in the custody of the respondents. If the vehicle is kept in open space and exposed to sun light and rain,

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it would lose its value. Therefore, the respondents are directed to release the said vehicle subject to the following conditions.

5. Accordingly, this Writ Petition is disposed of with the following directions.

"(i)The petitioner is directed to deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) before the second respondent;

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

(iii) The petitioner is directed 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;

(iv) On compliance of the above conditions, the third respondent is directed to release the seized vehicle bearing Registration No.TN-33-AE-1963 to the petitioner.

(v)The second respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days;

(vi)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 the 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

(vii)Inasmuch as the vehicle bearing Registration No.TN-33-AE-1963 is seized by the third respondent on 04.05.2019, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

No costs.

Sd/-

Assistant Registrar (vo)

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Sub Assistant Registrar(CS)

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To

1.The Assistant Director,
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Sivagangai District.

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

3.The Inspector of Police,
Chettinadu Police Station,
Sivagangai District.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-65872[F] dated 16/05/2019)

+1 CC to M/s.SPL GP (SR-66036[F] dated 16/05/2019)

akv

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