



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.12193 of 2019

A.Muneeswaran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

2.The Assistant Director,
Mines & Minerals Department,
Tirunelveli District.

3.The Inspector of Police,
Vasudevanallur Police Station,
Vasudevanallur, Sivagiri Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the petitioner tractor bearing Registration No.TN-49J-2988 (Mahindra and Mahindra) Engine No.EVC 3575, Chassis No:EVC 3575 H1 and his Trailer bearing Registration No.TN-76A-4239 seized by the third respondent police on 30.06.2018 by considering the petitioner's representation dated 23.04.2019 within a time stipulated by this Court.

For Petitioner : Mr.K.P.Sankarakumarakuruppan

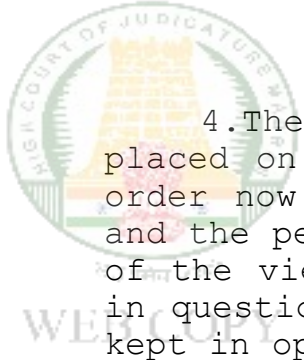
For Respondents : Mrs.J.Padmavathi Devi
Spl. Govt. Pleader

O R D E R

This Writ Petition has been filed for a direction to the respondents to release the Petitioner's vehicle ie., **Tractor bearing Registration No.TN-49-J-2988 and Trailer bearing Registration No.TN-76-A-4239.**

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, 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.25,000/- (Rupees Twenty Five thousand only) before the first 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 Nos. **TN-49-J-2988 and TN-76-A-4239** to the petitioner.

(v) The first 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 Nos. **TN-49-J-2988 and TN-76-A-4239** is seized by the third respondent on 30.06.2018, 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/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

cp/akv

To

1. The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.
2. The Assistant Director,
Mines & Minerals Department,
Tirunelveli District.
3. The Inspector of Police,
Vasudevanallur Police Station,
Vasudevanallur, Sivagiri Taluk,
Tirunelveli District.
4. The Judicial Magistrate,
Tirunelveli.

+1CC TO MR.K.P.SANKARAKUMARA KURUPPAN, Advocate Sr. No.65929
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 66063

W.P. (MD) No.12193 of 2019

KG (CO)

TR (21.05.2019) 3P 7C