



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.12559 of 2019

WEB COPY

S.Meenal

... Petitioner

Vs.

1.The Sub Collector-cum-
Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.The Zonal Deputy Tahsildar,
Karaikudi Taluk,
Sivagangai District.

3.The Assistant Director,
Department of Geology and Mines,
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to release the seized Tipper Lorry bearing Registration No. TN-19-V-1819 as per the representation of the petitioner, dated 25.09.2018.

For Petitioner : Mr.A.Murali Kumar

For Respondents : Mr.Aayiram K.Selvakumar

Special Government Pleader

ORDER

Heard the learned counsel on either side. By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner's vehicles were 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 vehicles were not involved in any previous incident of sand theft or illegal transportation of sand.

3.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 vehicles in question in the custody of the respondents. If the vehicles are 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 vehicles subject to the following conditions:

- a) The petitioner's counsel states that the petitioner had already remitted a fine of Rs.35,500/-. The petitioner shall deposit a sum of Rs.15,000/- to the concerned District Mineral Foundation Trust. He shall execute an affidavit of undertaking



that he shall not involve in any offence in future that may lead to the seizure of the vehicles in question. The petitioner shall not alienate or encumber the vehicles in question till the proceedings are completed.

- b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicles.
- c) This order for release of the vehicles can be pressed into service by the petitioner only if the vehicles are not in the custody of the criminal Court. If the vehicles are 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 vehicles, by filing necessary application in the manner known to law.
- d) As and when the respondents call for the vehicles for enquiry, the petitioner has to produce the vehicles in question and he shall cooperate with the enquiry to be conducted by the respondents.

4. Upon completion of these formalities, the respondents shall release the vehicles forthwith without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicles in future.

5. The writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(Crl Side)/
Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Sub Collector-cum-
Revenue Divisional Officer,
Devakottai, Sivagangai District.

2. The Zonal Deputy Tahsildar,
Karaikudi Taluk, Sivagangai District.

3. The Assistant Director,
Department of Geology and Mines, Sivagangai, Sivagangai District.

Copy to:

The Officer in Charge,
District Mineral Foundation Trust, Sivagangai District.

+1cc to Mr.A.MURALIKUMAR, Advocate, SR.No. 66555

+1cc to M/s.Special Government Pleader, SR.No.66620

W.P.(MD) No.12559 of 2019

29.05.2019