



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.12782 of 2019

M/s.SVP Associates,
Rep. by its Managing Partner,
S.Vadamalai Pandian,
No.12/2, Kayalpattinam Road,
Thiruchendur TK,
Tuticorin 628 215
Tamil Nadu

... Petitioner

vs.

- 1) The District Collector,
Tuticorin District,
Tuticorin.
- 2) The Revenue Divisional Officer,
Thiruchendur Revenue Division,
Thiruchendur,
Tuticorin District.
- 3) The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
- 4) The Assistant Director of
Geology & Mining,
Tuticorin District,
Tuticorin.
- 5) The Tahsildar,
Sathankulam Taluk,
Tuticorin District.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent herein to release the Tata Hitachi ZX220 LC Back Loader Machine / Vehicle and Tipper Lorry bearing Reg.No.TN 92 C 9586 from the custody of the 3rd respondent police.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.R.Murugan,
Additional Government Pleader



O R D E R

The prayer sought for is to release the vehicles in question of the petitioner, which have been seized by the respondent / Revenue Officials for the alleged transportation of illicit sand.

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 appearing 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 appearing 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 sunlight and rain, they would lose their value. Therefore, the respondents are directed to release the said vehicles subject to the following conditions:-

- a) The petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen Thousand only) with regard to Tata Hitachi ZX220 LC Back Loader Machine / Vehicle, to the concerned District Educational Officers of the respective Districts;
- b) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) with regard to Tipper Lorry bearing Reg.No.TN 92 C 9586, to the concerned District Educational Officers of the respective Districts;
- c) The petitioner 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/encumber the vehicles in question till the proceedings are completed;
- d) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicles;
- e) 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 petitioners to approach the concerned Judicial Magistrate to get release of the vehicles, by filing necessary applications in the manner known to law;
- f) As and when the respondents call for the vehicles for enquiry, the petitioners have to produce the vehicles in question and he shall co-operate with the enquiry to be conducted by the respondents;

g) The amount, so directed to be deposited shall be deposited before the concerned District Educational Officer by appropriate transactions/acknowledgement and such amount to be received by the concerned District Educational Officer of the respective Districts from the petitioner, shall be utilized for development of infrastructures in Government Schools, wherever, it is necessary.

4. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

- 1) The District Collector,
Tuticorin District, Tuticorin.
- 2) The Revenue Divisional Officer,
Thiruchendur Revenue Division,
Thiruchendur, Tuticorin District.
- 3) The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
- 4) The Assistant Director of
Geology & Mining,
Tuticorin District, Tuticorin.
- 5) The Tahsildar,
Sathankulam Taluk, Tuticorin District.

+1. C.C. to M/S. Raja Karthikeyan, Advocate SR.No. 67359
+1 cc to Special Government Pleader, SR.No. 67641

Order made in
W.P. (MD) No. 12782 of 2019

JM/14.06.2019/3P-8C