



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2019

CORAM:

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

W.P. (MD) No.5095 of 2019

P.Velmurugan

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

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

3.The Assistant Director,
Mines and Minerals Department,
Sivagangai District.

4.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the Ashok Leyland Lorry bearing registration No.TN 31 AB 0697 within a time stipulated by this Court.

For Petitioner : Mr.S.Muthumalai Raja

For respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner's vehicle was seized by the fourth respondent on 21.10.2018. Seeking its release this writ petition has been filed. The learned counsel for the petitioner specifically asserted that the vehicle was not involved in transportation of any river sand. The said assertion is accepted and it is seen that only pebble stone was carried out. Therefore, this Court directs the respondent to release the petition mentioned vehicle forthwith subject to the following conditions:



- a) The petitioner shall deposit a sum of Rs.10,000/- 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 vehicle in question. The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed.
- b) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.
- c) This order for 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.
- d) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

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

4. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Division Officer,
Devakottai,
Sivagangai District.
3. The Assistant Director,
Mines and Minerals Department,
Sivagangai District.



4.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.

+1CC TO MR.S.MUTHUMALAIRAJA, Advocate Sr. No. 51785

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.52006

W.P. (MD) No. 5095 of 2019

05.03.2019

TR (08.03.2019) 3P 7C