



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2019

CORAM:

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

W.P. (MD) No.5507 Of 2019

WEB COPY

Selvaraj

... Petitioner

Vs

1.The Revenue Divisional Officer,
Ramnagar,
Devakottai Divisional Office,
Sivagangai District.

2.The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.

3.The Assistant Director of Geology,
Sivagangai, 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 Lorry bearing Regn.No.TN 63-AH 1999 within the time stipulated by this Court.

For Petitioner : Mr. A. Shajahan

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner's vehicle was seized in connection with illegal transportation of sand. The learned counsel appearing for the petitioner states that while granting bail in favour of the petitioner, this Court has directed the petitioner to pay a sum of Rs.75,000/- and the same has been complied with by the petitioner. The submission of the learned counsel for the petitioner is placed on record.

3. In such circumstances, 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.



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.

4. 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.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Revenue Divisional Officer,
Ramnagar,
Devakottai Divisional Office,
Sivagangai District.

2. The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.

3. The Assistant Director of Geology,
Sivagangai, Sivagangai District.

+1cc to Mr. A. SHAJAHAN, Advocate, SR.No. 52683

+1cc to M/s. Special Government Pleader, SR.No. 53074

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