



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.6595 of 2019

C.Murugesan

... Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Paramakudi, Ramnad District.

2.The Assistant Director,
Department of Geology and Mining,
Ramnad District.

3.The Inspector of Police,
Nainarkoil Police Station,
Ramnad District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus by directing the respondents to release the petitioner's Tractor Registration No. TN 65 AW 5979 seized on 29.12.2018 by the third respondent by consider the petitioner's representation dated 02.01.2019.

For Petitioner : Mr.G.Vishnuram

For Respondents : Mr.K.Mu.Muthu,

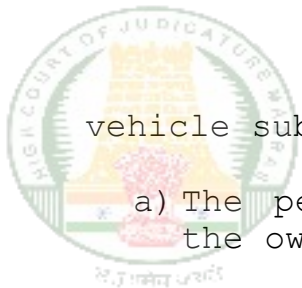
Additional Government Pleader

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 vehicle was seized in connection with illegal transportation of sand. The enquiry in this regard is still pending. The learned counsel appearing for the petitioner states that neither the petitioner nor the vehicle in question involved in any similar offence earlier.

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 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.

- a) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.
- b) 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.
- c) 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

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Paramakudi, Ramnad District.
2. The Assistant Director,
Department of Geology and Mining,
Ramnad District.
3. The Inspector of Police,
Nainarkoil Police Station,
Ramnad District.

+1cc to Mr. G. Vishnuram, Advocate, SR.No.55943

+1cc to Special Government Pleader, SR.No.55664

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