



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

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

**W.P. (MD) No.7221 of 2019**

Suganth

... Petitioner

Vs

1.The Revenue Divisional Officer,  
Musiri Revenue Division Office,  
Musiri, Trichy District.

2.The Assistant Director of Mines and  
Minerals,  
Trichy District, Trichy.

3.The Tahsildar,  
Thottiam Taluk Office,  
Thottiam, Trichy District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to release the petitioner's vehicles namely Tata Motors Pickup bearing Registration No.TN 43 F 9802 and Bajaj Pickup bearing Registration No.TN 28 L 9954 seized on 04.12.2018 and keeping under the custody of the third respondent by consider his representation dated 05.12.2018.

For Petitioner : Mr.K.Arunraj  
For Respondents : Mr.M.Rajarajan  
Government Advocate

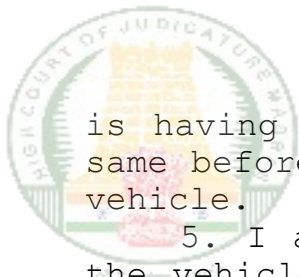
**ORDER**

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.

4. The petitioner states that in respect of one of the vehicles, his name is yet to be entered in the RC Book. However, he



is having the original RC Book. The petitioner shall produce the same before the authority at the time of getting the release of the vehicle.

5. 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 deposit a sum of Rs.50,000/- (covering both the vehicles) 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 the original RC Book of the vehicle to prove 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 vehicle for enquiry, the petitioner has to produce the vehicles in question and he shall cooperate with the enquiry to be conducted by the respondents.

6. 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.

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

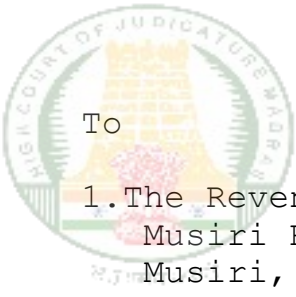
Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

rmk



To

1.The Revenue Divisional Officer,  
Musiri Revenue Division Office,  
Musiri, Trichy District.

2.The Assistant Director of Mines and  
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Trichy District, Trichy.

3.The Tahsildar,  
Thottiam Taluk Office,  
Thottiam, Trichy District.

1 CC to M/s.K.ARUNRAJ, Advocate ( SR-57056[F] dated 27/03/2019 )

+1 CC to M/s.SPL GP ( SR-57461[F] dated 28/03/2019 )

**W.P. (MD) No. 7221 of 2019**

**DS/ /SAR- (02.04.2019) 3P 6C**