



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2019**

CORAM:

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

W.P. (MD) No.7683 of 2019

T.Rajapandi

... Petitioner

Vs

1.The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2.The Assistant Director,
Geology and Mining,
Virudhunagar,
Virudhunagar District.

3.The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar 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 petitioner's Tractor bearing Reg.No.TN 63 H 4605, Trailer bearing Reg.No.TN 51 W 6125 and Hero Honda Splendor Plus Two Wheeler bearing Reg.No.TN 67 E 9147, which were seized by the third respondent on 04.07.2018, within the time stipulated by this Court.

For Petitioner : Ms.P.Kalaiyarasi Bharathi

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.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.

4.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 vehicles in question in the custody of the respondents. If the vehicles are



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 vehicles subject to the following conditions:-

- a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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's Tractor/Trailer/Two wheeler were seized in connection with illegal transportation of sand. The petitioner states that the name of the petitioner is not reflected in the RC book as far as the Trailer and Two wheeler are concerned. But he is having the original RC book. The petitioner is directed to produce the original RC book before the respondents at the time of seeking release the said vehicles.
- 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.

5. 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.

6. The Writ Petition is allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //



1. The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2. The Assistant Director,
Geology and Mining,
Virudhunagar,
Virudhunagar District.

3. The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

4. The Officer Incharge,
District Mineral Foundation Trust,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-58365[F] dated 02/04/2019)

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-58532[F] dated 03/04/2019)

W.P. (MD) No. 7683 of 2019

01.04.2019

DS/ /SAR- (05.04.2019) 3P 7C