



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

CORAM:

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

W.P. (MD) No.8258 of 2019

S.Venkatesh

... Petitioner

Vs

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

2.The Tahsildar,
Taluk Office,
Karaikudi Taluk,
Sivagangai District.

3.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 06.08.2018 immediately and release the petitioner's lorry bearing Registration No.TN-10-M-9397 seized on 01.05.2018 in connection with Crime Number.26 of 2018 on the file of the Inspector of Police, Alagappapuram Police Station, Sivagangai District, hand over to petitioner.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The petitioner's vehicle was seized in connection with illegal transportation of sand. The Revenue Divisional Officer had levied a fine of Rs.33,600/- on the petitioner. The same has since been remitted but the petitioner's vehicle has not yet been returned sofar. Therefore, this writ petition has been filed.



2. Since the petitioner had already remitted the fine amount levied on him by the Revenue Divisional Officer, the petitioner's vehicle will have to return forthwith to the petitioner. Therefore, the respondents are directed to release the said vehicle subject to the following conditions:-

- a) The petitioner 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. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

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



2.The Tahsildar,
Taluk Office,
Karaikudi Taluk,
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3.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.

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

+1cc to Mr.S.Sathya Chidambaram, Advocate, SR.No.59375
+1cc to M/s.Special Government Pleader,SR.No. 59539

W.P. (MD)No.8258 of 2019

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