



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

W.P (MD) No.19181 of 2019

Muniyasamy

... Petitioner

Vs.

1.The Assistant Director of Mines and Geology,  
Ramanathapuram.

2.The Revenue Divisional,  
O/o.the Revenue Divisional Office,  
Ramanthapuram District.

3.The Inspector of Police,  
Thirupalaikudi Police Station,  
Ramanthapuram District,  
Crime No.80 of 2019.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 2nd respondent to release the petitioner's unregistered vehicle Tractor cum Trailor Mahindra YUVO 475 D1 and Hero Honda bike bearing Reg No.TN 65 AD 7076 within the time limit specified by this Court.

For Petitioner : Mr.J.M.Hassnul Bazari  
For Respondents : Mr.J.Gunaseelan Muthiah  
Additional Government Pleader

### **ORDER**

The petitioner seeks for a writ of mandamus directing the 2<sup>nd</sup> respondent to release the petitioner's unregistered vehicle Tractor cum Trailor Mahindra YUVO 475 D1 and Hero Honda bike bearing Reg No.TN 65 AD 7076, seized by the third respondent.

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

3.According to the petitioner, the third respondent has seized the said petitioner's vehicles from his house under the pretext of illegal transportation of sand and the vehicles are now under the custody of the third respondent. Hence, the petitioner is before this Court seeking the aforesaid relief.



4. On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that the vehicles in question were used for transportation of sand without valid permit and hence, they were seized.

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5. A perusal of FIR would show that after seeing the Revenue Officials, the sand taken in the tractor was unloaded and no sand was recovered from the petitioner. Therefore, considering the said fact and also considering the fact that the vehicle is under the custody of the respondents, having been seized on 28.06.2019 and if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

6. Accordingly, the respondents are directed to release the vehicles in question to the petitioner within a period of seven days from the date of receipt of a copy of this order subject to the following conditions:

"(i) The petitioner shall produce documents before the third respondent under whose custody the vehicles are kept, to establish the ownership of the vehicles in question;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) for the vehicles before the second respondent herein;

(iii) The petitioner shall give an undertaking that he will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicles in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned;

(vi) The third respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and

(vii) The petitioner is also directed to participate in the enquiry to be conducted by the third respondent."

