



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P (MD) No.20202 of 2019

Mookandi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

2.The Assistant Director,
Mines & Minerals Department,
Tirunelveli District.

3.The Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to release the petitioner two tractors in number bearing TN.76.S.3361, TN.76.Q.6399 and two trailers in number bearing TN.76.S.3363 TN.60.AB.0533 seized by the 3rd respondent on 5.2.2019 on the basis of the petitioner's representation dated 03.09.2019.

For Petitioner	: Mr.G.Kalidoss
For Respondents	: Mr.P.Kannitheevan Government Advocate

ORDER

The petitioner seeks for a writ of mandamus directing the respondents to release the petitioner's two tractors bearing registration Nos.TN.76-S-3361 and TN.76-Q-6399 and two trailers bearing Nos.TN.76-S-3363 TN.60-AB-0533, seized by the 3rd respondent on 05.02.2019.

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 petitioner's said vehicles under the pretext of illegal transportation of river 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 Government Advocate 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. Considering the fact that the vehicles are under the custody of the respondents, having been seized on 05.02.2019 and if the same are 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 vehicles can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicles.

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/- for each vehicle before the first respondent herein; (Totally Rupees Two Lakhs)

(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."

7. The writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub Assistant Registrar



To

- 1.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
- 2.The Assistant Director,
Mines & Minerals Department,
Tirunelveli District.
- 3.The Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-88352[F] dated 20/09/2019)

W.P. (MD) No.20202 of 2019
19.09.2019

mj

JM/25.09.2019/3P/5C