



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)Nos.20699, 20701 and 20703 of 2019

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K.Sasikumar ... Petitioner in WP(MD)No.20699/2019
V.Raja ... Petitioner in WP(MD)No.20701/2019
Rajendran.K ... Petitioner in WP(MD)No.20703/2019

Vs.

1.The Assistant Director,
Geology and Mining,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Aathoor Taluk,
Dindigul District.

... Respondents in all W.Ps.

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to release the Tractor Cum Trailer bearing Reg.Nos.TN.50-AD-8025; TN.32-H-8068 and TN.57-BJ-1732 seized by the 1st respondent and kept under the 3rd respondent based on the petitioners' representation dated 6.9.2019.

For Petitioners : Mr.G.Sivaraja
For Respondents : Mr.P.Kannithevan
Additional Government Pleader
in all the writ petitions.

COMMON ORDER

The petitioners seek for a writ of mandamus directing the respondents to release their vehicles viz., Tractor Cum Trailer bearing Reg.Nos.TN.50-AD-8025; TN.32-H-8068 and TN.57-BJ-1732, seized by the 1st respondent and kept under the 3rd respondent, based



on the petitioners' representation dated 06.09.2019.

2.By consent, the writ petitions are taken up for final disposal at the stage of admission itself.

3.According to the petitioners, the first respondent has seized the said petitioners' vehicles under the guise of illegal transportation of sand and the vehicles are now under the custody of the third respondent. Hence, the petitioners are 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 any valid permit and hence the vehicles were seized.

5.Considering the fact that the vehicles are under the custody of the third respondent, having been seized on 05.09.2019 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 petitioners 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 petitioners shall produce documents before the third respondent under whose custody the vehicle is kept, to establish the ownership of the vehicles in question;

(ii)Each of the petitioner shall deposit a sum of Rs.25,000/- (Totally seventy five thousand only) for the vehicles before the second respondent herein;

(iii)The petitioners shall give an undertaking that they 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 petitioners;

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

(vi)The respondents are 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 petitioners are also directed to participate in the enquiry to be conducted by the respondents."



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7. The writ petitions are ordered accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Assistant Director,
Geology and Mining,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 3.The Tahsildar,
Aathoor Taluk,
Dindigul District.

+1 CC to M/s.SGP (SR-90047[F] dated 27/09/2019)

+3 CC to M/s.G.SIVARAJA, Advocate (SR-89479[F] dated 26/09/2019),
86480,89481

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26.09.2019

KK/SAR/27.09.2019/3P-8C/