



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.20715 of 2019

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Balaji

... Petitioner

Vs.

1.The Revenue Divisional Officer
Revenue Divisional Office,
Kumbakonam,
Thanjavur District.

2.The Tahsildar,
Papanasam,
Thanjavur District.

3.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Thanjavur 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 TATA 407 van vehicle bearing Registration No.TN 75 4055 and hand over to the petitioner based on his representation dated 18/09/2019.

For Petitioner : Mr.K.M.Karunakaran
For Respondents : Mr.P.Kannithevan
Additional Government Pleader

ORDER

The petitioner seeks for a writ of mandamus directing the respondents to release the petitioner's vehicle viz., TATA 407 van vehicle bearing Registration No.TN-75-4055 and hand over to the petitioner based on his representation dated 18.09.2019.

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

<https://hcservices.ecourts.gov.in/>



3. According to the petitioner, the third respondent has seized the said petitioner's vehicle under the guise of illegal transportation of sand and the vehicle is now under the custody of the first 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 vehicle in question was used for transportation of sand without valid permit and hence, it was seized.

5. Considering the fact that the vehicle is under the custody of the first respondent, having been seized on 28.03.2019 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 vehicle 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 first respondent under whose custody the vehicle is kept, to establish the ownership of the vehicle in question;

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

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

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

(v) The petitioner shall not alienate the vehicle 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."



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

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Revenue Divisional Officer
Revenue Divisional Office,
Kumbakonam,
Thanjavur District.

2.The Tahsildar,
Papanasam,
Thanjavur District.

3.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Thanjavur District.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-89505[F] dated
26/09/2019)

W.P. (MD)No.20715 of 2019
26.09.2019

KM/(03.10.2019) 3P 6C