



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.26537 of 2019

Suvilasan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Musiri Revenue Division,
Musiri,
Trichy District.

2.The Assistant Director of Mines and Minerals,
Trichy District,
Trichy.

3.The Inspector of Police,
Vathalai Police Station,
Vathalai,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the petitioner's Hitachi Excavator Model: EX 60G SR No:10F-1046, Seized on 14.05.2019 and keeping under the custody of the 3rd respondent by consider his representation dated 30.05.2019.

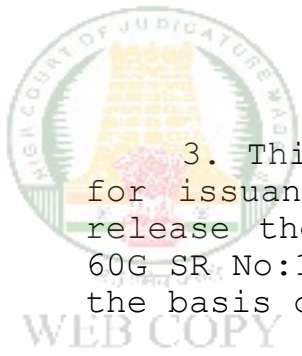
For Petitioner : Mr.K.Arunraj

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondents.

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



3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's vehicle viz., Hitachi Excavator Model: EX 60G SR No:10F-1046, Seized on 14.05.2019 by the third respondent, on the basis of petitioner's representation dated 30.05.2019.

4. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the third respondent has seized the vehicle.

5. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle was seized as the same was plied without valid papers for transporting sand. He further submitted that five units of sand was illegally transported.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 20.05.2019 and considering the fact that 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.

7. Accordingly, the first respondent is 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.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) for the vehicle before the first respondent herein, as five units of sand was illegally transported;

(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 first respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of



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

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

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Revenue Divisional Officer,
Musiri Revenue Division,
Musiri,
Trichy District.

2.The Assistant Director of Mines and Minerals,
Trichy District,
Trichy.

3.The Inspector of Police,
Vathalai Police Station,
Vathalai,
Trichy District.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-104867[F] dated 13/12/2019)

+1 CC to M/s.Special Govt. Pleader (SR-105091[F] dated 16/12/2019)

W.P (MD) No.26537 of 2019
13.12.2019

NS

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