



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2020

CORAM

THE HONOURABLE MR. JUSTICE **S.S.SUNDAR**

W.P. (MD) No. 67 of 2020

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S.Vetrivelmurugan

... Petitioner

vs

1.The Assistant Director,
Mines and Minerals, Virudhunagar District.

2.The Revenue Divisional Officer / Sub-Collector,
Revenue Divisional Office,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Srivilliputhur Taluk, Virudhunagar District.

4.The Village Administrative Officer,
Pillaiyarkulam Village, Virudhunagar District.

5.The Sub Inspector of Police,
Vanniampatti Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to release the vehicle bearing Registration No.TN-65-B-0348 within the time stipulated by this Court.

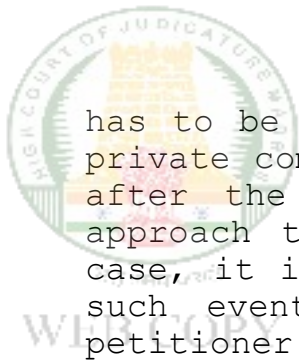
For Petitioner	: Mr.M.Jothibasur
For R1 to R5	: Mrs.J.Padmavathi
	Special Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus to direct the third respondent to release the vehicle of the petitioner bearing Registration No.TN-65-B-0348 within the time stipulated by this Court.

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

3.Though the learned Special Government Pleader states that the Government has issued G.O.Ms.No.298, dated 13.06.2019, constituting a Special Court for offences relating to illegal mining, the petitioner has stated that as per the Government Order, the complaint



has to be lodged by the officials of Mining Department and on such private complaint, the case will be registered by the police. Only after the registration of the complaint, the petitioner has to approach the Special Court for releasing of his vehicle. In this case, it is admitted that no complaint has been lodged so far. In such event, it is not a reasonable proposition to direct the petitioner to approach the Special Court.

4. In any event, the vehicle is under the custody of the respondents having been seized on 08.10.2019. 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.

5. Accordingly, the fifth 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 fifth 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.25,000/- (Rupees twenty five Only) for the vehicle before the fifth 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 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 petitioner is also directed to participate in the enquiry to be conducted by the respondents."

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

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Assistant Director,
Mines and Minerals, Virudhunagar District.

2. The Revenue Divisional Officer / Sub-Collector,
Revenue Divisional Office,
Sivakasi, Virudhunagar District.

3. The Tahsildar,
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4. The Village Administrative Officer,
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5. The Sub Inspector of Police,
Vanniampatti Police Station,
Virudhunagar District.

+1 CC to M/s.G.M.LAW ASSOCIATES, Advocate (SR-141[F] dated 03/01/2020)

+1 CC to M/s.SPL.GP (SR-281[F] dated 06/01/2020)

W.P. (MD) No. 67 of 2020
03.01.2020

VR (CO)

TR (10.01.2020) 3P 8C