



WEB COPY

W.P(MD)No.310 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.310 of 2020

and

W.M.P(MD)No.219 of 2020

Mudhraa Tractor Finance,
Rep. by its Managing Director,
Palanivel

... Petitioner

Vs.

1.The Assistant Director,
Geology & Mining Department,
Virudhunagar,
Virudhunagar District.

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

3.The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar 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's vehicle namely Tractor bearing Registration No.TN25 J 7371 and Trailer bearing Registration No. Nil seized on 02.06.2017 by the third respondent herein pertaining to the case in Crime No.367 of 2017 by considering the petitioner's representation dated 02.12.2019 within the period that may be stipulated by this Court.

For Petitioner	: Mr.V.Karthick Raja for M/s.Ajmal Associates
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 first stage itself.



3. This writ petition has been filed seeking a direction to the respondents to release the petitioner's vehicle namely Tractor bearing Registration No.TN25 J 7371 and Trailer bearing Registration No. Nil seized on 02.06.2017 by the third respondent herein pertaining to the case in Crime No.367 of 2017 by considering the petitioner's representation dated 02.12.2019 within a stipulated period.

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.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 02.06.2017 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.25,000/- (Rupees Twenty Thousand 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 first 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 first respondent."

8. The writ petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

To

- 1.The Assistant Director,
Geology & Mining Department,
Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Virudhunagar,
Virudhunagar District.
- 3.The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar District.

+1 CC to SPL.GP (SR-993[F] dated 09/01/2020)

+1 CC to Mr.AJMALASSOCIATES, Advocate (SR-695[F] dated 08/01/2020)

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