



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.658 of 2020

U.Sankaralingam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sathur,
Virudhunagar District.

2.The Tahsildar,
Rajapalayam Tahsildar Office,
Virudhunagar District.

3.The Assistant Director,
Tamil Nadu Mines and Minerals,
Virudhunagar 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 consider the Petitioner's representation, dated 24.6.2019 and release his Tractor and Trailer bearing Registration NO.TN 72 6870 and TN 72 6871, which was seized on 30.07.2018 by the second respondent and hand-over the same to him.

For Petitioner : Mr.K.Muthumalai

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 consider the Petitioner's representation, dated 24.6.2019 and release his Tractor and Trailer bearing Registration NOs.TN 72 6870 and TN 72 6871, which was seized on 30.07.2018 by the second respondent and hand-over the same to him.



4. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the second 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 river sand.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 30.07.2018 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 Five 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."*



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W.P(MD)No.658 of 2020

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn

To:

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sathur,
Virudhunagar District.

2.The Tahsildar,
Rajapalayam Tahsildar Office,
Virudhunagar District.

3.The Assistant Director,
Tamil Nadu Mines and Minerals,
Virudhunagar District.

+1 CC to MR.K.MUTHUMALAI, Advocate (SR-1776[F] dated 13/01/2020)

+1 CC to SPL.GP (SR-1943[F] dated 20/01/2020)

W. P (MD) No. 658 of 2020

10.01.2020

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