



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.1006 of 2020

Murugesan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Kanniyakumari,
Kanniyakumari District.

2.The Assistant Director,
Geology and Mining Department,
Kanniyakumari District.

3.The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents to release the petitioner's Mahindra Nissan Tempo Lorry bearing Reg.No.TN72-AV-1747, seized by the 3rd respondent police, by considering the petitioner's representation, dated 13.12.2019 within the time stipulated by this Court.

For Petitioner : Mr.G.Aravinthan

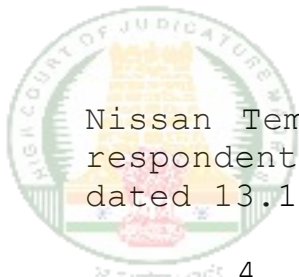
For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader

ORDER

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

2. By consent of both parties, 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 namely Mahindra



Nissan Tempo Lorry bearing Reg.No.TN72-AV-1747, seized by the 3rd respondent police, by consider the petitioner's representation, dated 13.12.2019, within the time stipulated by this Court.

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 28.11.2019 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 third 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 third 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 third 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*



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

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

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TM

To

1. The Revenue Divisional Officer,
Kanniyakumari,
Kanniyakumari District.

2. The Assistant Director,
Geology and Mining Department,
Kanniyakumari District.

3. The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

+1 CC to MR.G.ARAVINTHAN, Advocate (SR-2226[F] dated 21/01/2020)

+1 CC to SPL.GP (SR-2329[F] dated 22/01/2020)

W.P. (MD) .No.1006 of 2020

21.01.2020

_KM/ (28.01.2020) 3P 6C