



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1631 of 2020

M.Balasubramaniyan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2.The Assistant Director,
Department of Geology and Mines,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector of Police,
Kadaladi Police Station,
Kadaladi,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to release the Tractor bearing Registration No.TN 69 T 6791 and Trailer bearing Registration No.TN 60 T 0457 owned by the petitioner and his friend namely Soosai Arockiam respectively, which was seized on 17.04.2017 by the third respondent.

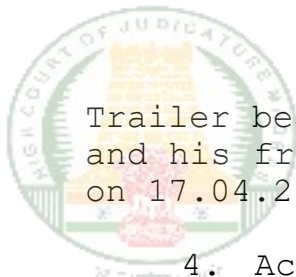
For Petitioner : Mr.P.Banuprasath
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

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 first respondent to release the Tractor bearing Registration No.TN 69 T 6791 and



Trailer bearing Registration No.TN 60 T 0457 owned by the petitioner and his friend namely Soosai Arockiam respectively, which was seized on 17.04.2017 by the third respondent.

4. According to the petitioner, even though the vehicle was plied 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 17.04.2017 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.10,000/- (Rupees Ten 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.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

2.The Assistant Director,
Department of Geology and Mines,
Ramanathapuram, Ramanathapuram District.

3.The Inspector of Police,
Kadaladi Police Station,
Kadaladi, Ramanathapuram District.

+1 CC to Mr.P.BANU PRASATH, Advocate (SR-3778[F] dated 29/01/2020)

+1 CC to SPL.GP (SR-3716[F] dated 29/01/2020)

W.P(MD)No.1631 of 2020

28.01.2020

VB(03.02.2020) 3P 6C