



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1995 of 2020

K.Muthupandi

... Petitioner

Vs.

- 1) The Sub Collector
cum Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
- 2) The Assistant Director,
Tamil Nadu Mines and Minerals Department.
Ramanathapuram District.
- 3) The Tahsildar,
Paramakudi,
Ramanathapuram District.
- 4) The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram 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 release the petitioner Tractor Vehicle bearing Reg.No.TN 65 F 4721 and its Trailer bearing Reg No.TN 65 F 4720 forthwith in accordance with law within a stipulated time period on the basis of the representation dated 10.03.2018 and 21.01.2020.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader



O R D E R

Mr.Aayiram K.Selvakumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent, the writ petition is taken up for final 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 Tractor Vehicle bearing Reg.No.TN 65 F 4721 and its Trailer bearing Reg No.TN 65 F 4720 forthwith in accordance with law within a stipulated time period on the basis of the representations dated 10.03.2018 and 21.01.2020.

4. According to the petitioner, even though he had plied the aforesaid vehicles with all relevant documents, the fourth respondent has seized the vehicles.

5. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicles were seized as the same was plied without valid papers for transporting one unit of sand.

6. In any event, as the vehicles are under the custody of the 1st and 2nd respondents having been seized on 04.11.2017 and considering the fact that if the same are 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 vehicles can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicles.

7. Accordingly, the first and second respondents are directed to release the vehicles 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 and second respondents under whose custody the vehicles are 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 vehicles before the first and second respondents herein;
- (iii) The petitioner shall give an undertaking that he will not use the vehicles for any illegal activities in



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future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicles in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned;

(vi) The first and second 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 first and second respondents."

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To:

- 1) The Sub Collector
cum Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
- 2) The Assistant Director,
Tamil Nadu Mines and Minerals Department.
Ramanathapuram District.
- 3) The Tahsildar,
Paramakudi,
Ramanathapuram District.



4) The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-4361[F] dated
31/01/2020)

+1 CC to M/s.SPL.GP (SR-4404[F] dated 03/02/2020)

Order made in
W.P(MD)No.1995 of 2020
Dated: **31.01.2020**

TR(02.03.2020) 4P 7C