



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.2348 of 2020

Sivakumar

... Petitioner

Vs.

1) The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.

2) The Tahsildar,
Taluk Office,
Thiruppuvanam Police Station,
Sivagangai.

3) The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai.

4) The Assistant Director,
Tamil Nadu Mines and Minerals,
Sivagangai District.

... Respondents

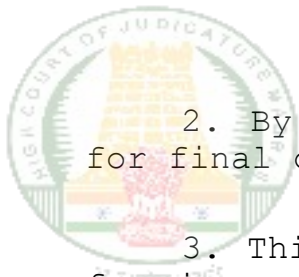
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated on 06.09.2019 immediately and release his 407 Van bearing in Registration No. TN 60 9741 seized on 02.10.2018 in connection with Crime No.319 of 2018 on the file of the Inspector of Police, Thiruppuvanam Police Station, Sivagangai District to hand over to the petitioner.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.Aaiyiram K.Selvakumar
Additional Government Pleader

O R D E R

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



2. By consent of both parties, the writ petition is taken up for final disposal.

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 on 06.09.2019 immediately and release his 407 Van bearing in Registration No. TN 60 9741 seized on 02.10.2018 in connection with Crime No.319 of 2018 on the file of the Inspector of Police, Thiruppuvanam Police Station, Sivagangai District to hand over to the petitioner.

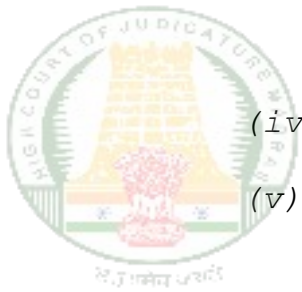
4. According to the petitioner, even though he had plied the aforesaid vehicles with all relevant documents, the third respondent has seized the vehicle.

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

6. In any event, as the vehicle is under the custody of the 1st and 2nd respondents having been seized on 02.10.2018 and considering the fact that if the vehicle 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 vehicles can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

7. Accordingly, the respondents are 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 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 future and shall produce the same as and when required by the first and second 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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Sts

To:

- 1) The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.
- 2) The Tahsildar,
Taluk Office,
Thiruppuvanam Police Station,
Sivagangai.
- 3) The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai.
- 4) The Assistant Director,
Tamil Nadu Mines and Minerals,
Sivagangai District.

+1 CC to Mr.S.SATHYA CHIDAMBARAM, Advocate (SR-4985[F] dated 06/02/2020)

+1 CC to SPL GP (SR-5216[F] dated 07/02/2020)

Order made in

W.P(MD)No.2348 of 2020

06.02.2020