



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.2671 of 2020

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Prabhakaran

... Petitioner

Vs.

1) The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Uthamapalayam & Taluk,
Theni District.

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

3) The Inspector of Police,
Rayappanpatti Police Station,
Rayappanpatti,
Theni 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's Tractor along with trailer bearing Registration No. TN 59 Z 0686 which was seized on 19.09.2018 by the 3rd respondent.

For Petitioner : Mr.B.Chandran

For Respondents : Mrs.J.Padmavathi Devi

Special Government Pleader

O R D E R

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents.

2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The Writ Petition has been filed seeking for a Mandamus to direct the respondents to release the Petitioner's Tractor along with trailer bearing Registration No. TN 59 Z 0686 which was seized on 19.09.2018 by the 3rd respondent.

4. According to the petitioner, even though he had plied the aforesaid vehicles with all relevant documents, the third 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 half unit of sand.

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6. In any event, as the vehicles are under the custody of the ^{3rd} respondent having been seized on 19.09.2018 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 third respondent is 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 third respondent 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 third respondent 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 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 third 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 third respondent."



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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To:

- 1) The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Uthamapalayam & Taluk,
Theni District.
- 2) The Assistant Director,
Department of Geology and Mines,
Theni District.
- 3) The Inspector of Police,
Rayappanpatti Police Station,
Rayappanpatti,
Theni District.

+1 CC to Mr.B.CHANDRAN, Advocate (SR-5781[F] dated 12/02/2020)
+1 CC to SPL.GP (SR-6333[F] dated 14/02/2020)

Order made in
W.P (MD) No.2671 of 2020
12.02.2020

MK (02.03.2020) 3P 6C