



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P (MD)No.2853 of 2020**

S.Sekaran

... 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 Inspector of Police,  
Paramakudi Town Police Station,  
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Tractor Vehicle bearing Registration No.TN 65 F 4144 and its Trailer bearing Registration No.TN 65 F 4206 forthwith in accordance with law, within a stipulated time period on the basis of the representation dated 20.08.2018 and 30.12.2019.

For Petitioner : Mr.G.Vishnuram

For Respondents: Mr.M.Rajarajan,  
Government Advocate

**ORDER**

Mr.M.Rajarajan, learned Government Advocate 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 seeking a direction to the respondents to release the petitioner's Tractor Vehicle bearing Registration No.TN 65 F 4144 and its Trailer bearing Registration No.TN 65 F 4206 within a stipulated time period on the basis of the representation dated 20.08.2018 and 30.12.2019.



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 Government Advocate 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 07.08.2018 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.25,000/- (Rupees Twenty Five 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ( )

// True Copy //

/ /2020

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 Inspector of Police,  
Paramakudi Town Police Station,  
Ramanathapuram District.

+1 CC to SPL.GP ( SR-6306[F] dated 14/02/2020 )

+1 CC to Mr.G.VISHNURAM, Advocate ( SR-6062[F] dated 13/02/2020 )

**W.P. (MD) No.2853 of 2020**

**13.02.2020**

VB(21.02.2020) 3P 6C