



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.3058 of 2020

S.Sivasankar

... Petitioner

Vs.

- 1) The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Collectorate, Thanjavur.
- 2) The Assistant Director Mines and Minerals,
Office of the Assistant Director Mines and Minerals,
Thanjavur.
- 3) The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli,
Thanjavur 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 petitioner Tipper Lorry bearing Reg.No TN-G-7001 seized on 05.07.2018 which is kept under the custody of the 3rd respondent by considering the petitioner's representations dated 09.02.2019 and 07.02.2020.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.M.Rajarajan,
Government Advocate

O R D E R

Mr.M.Rajarajan, learned Government Advocate 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 1st respondent to



release the petitioner Tipper Lorry bearing Reg.No TN-G-7001 seized on 05.07.2018 which is kept under the custody of the 3rd respondent by considering the petitioner's representations dated 09.02.2019 and 07.02.2020.

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 Special Government Pleader appearing for the respondents that the vehicle was seized as the same was plied without valid papers for transporting two units of sand. He further submitted that the copy of the order may be sent to the Inspector of Police, Budalur Police Station, Thanjavur District.

6. In any event, as the vehicle is under the custody of third respondent having been seized on 05.07.2018 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 vehicles can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicles.

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 third 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.50,000/- (Rupees Fifty Thousand Only) for the vehicle before the third 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 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."

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,
Collectorate, Thanjavur.
- 2) The Assistant Director Mines and Minerals,
Office of the Assistant Director Mines and Minerals,
Thanjavur.
- 3) The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli,
Thanjavur District.
- 4) The Inspector of Police,
Budalur Police Station,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-7773[F] dated 24/02/2020)

+1 CC to M/s.S.KRISHNAN, Advocate (SR-7989[F] dated 25/02/2020)

Order made in

W.P(MD)No.3058 of 2020

Dated: **21.02.2020**

JMN(02.03.2020) 3P : 7C