



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.3036 of 2020

WEB COPY

S.Rajkumar

... 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-28-L-4627 seized on 10.11.2017 which is kept under the custody of the 3rd respondent by considering the petitioner's representations dated 09.12.2018 and 06.02.2020.

For Petitioner : Mr.S.Krishnan

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

O R D E R

Mrs.J.Padmavathi Devi, learned Special 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 1st respondent to release the petitioner Tipper Lorry bearing Reg.No TN-28-L-4627 seized on 10.11.2017 which is kept under the custody of the 3rd respondent by considering the petitioner's representations dated 09.12.2018 and 06.02.2020.



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 10.11.2017 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 vehicles are 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 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."*



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

Sd/-

Assistant Registrar

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// 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 SPL.GP (SR-7791[F] dated 24/02/2020)

+1 CC to Mr.S.KRISHNAN, Advocate (SR-7990[F] dated 25/02/2020)

Order made in

W.P(MD)No.3036 of 2020

Dated:21.02.2020

MK (02.03.2020) 3P 7C