



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.3056 of 2020

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S.Vairavan

... Petitioner

Vs.

1) The Revenue Divisional Officer,
Kulithalai,
Karur District.

2) The Tahsildhar,
Kulithalai Taluk,
Karur District.

3) The Assistant Director of Mines,
Department of Geology and Mining,
Karur District.

4) The Inspector of Police,
Kulithalai Police Station,
Karur 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 Taurus Lorry bearing Registration No.TN 21 P 7699 seized on 24.05.2019 seized on 09.06.2019 which is in the custody of the 4th respondent by considering the representation of the petitioner dated 24.01.2020.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.M.Murugan,
Government Advocate

O R D E R

Mr.M.Murugan, learned Government Advocate takes notice on behalf of the respondents.

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

3. The writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to release the Taurus Lorry bearing Registration No. TN 21 P 7699 seized on 24.05.2019 seized on 09.06.2019 which is in the custody of the 4th respondent by considering the representation of the petitioner dated 24.01.2020.



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

5. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicles was seized as the same was plied without valid papers for transporting two units of sand.

6. In any event, as the vehicle is under the custody of the 4th respondent having been seized on 04.05.2019 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 fourth 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 fourth 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 fourth 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 before 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 fourth 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 fourth 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,
Kulithalai,
Karur District.
- 2) The Tahsildhar,
Kulithalai Taluk,
Karur District.
- 3) The Assistant Director of Mines,
Department of Geology and Mining,
Karur District.
- 4) The Inspector of Police,
Kulithalai Police Station,
Karur District.

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-6888[F] dated 18/02/2020)

Order made in

W.P(MD)No.3056 of 2020

Dated:17.02.2020

MK (25.02.2020) 3P 6C