



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3133 of 2020

M.Pandian

... Petitioner

Vs.

- 1) The District Collector,
Theni, Theni District.
- 2) The Revenue Divisional Officer/
the Executive Magistrate,
Uthamapalayam, Theni District.
- 3) The Sub Inspector of Police,
Gudalur South Police Station,
Gudalur, Theni District.
- 4) The Assistant Director,
Mines and Geology,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent herein to release the petitioner vehicle (Tractor and Trailer) bearing Reg.No.TN N 8291 within a stipulated time as that may be fixed by this Honourable Court on the basis of the petitioner's representation dated 11.2.2020.

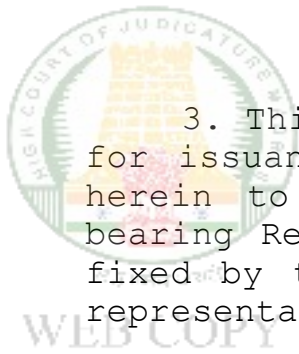
For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr.Pandiarajan,
Additional Government Pleader

O R D E R

Mr.Pandiarajan, learned Additional Government Pleader takes notice on behalf of 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 by the petitioner praying for issuance of a Writ of Mandamus, directing the 2nd respondent herein to release the petitioner vehicle (Tractor and Trailer) bearing Reg.No.TN N 8291 within a stipulated time as that may be fixed by this Honourable Court on the basis of the petitioner's representation dated 11.2.2020.

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 Additional Government Pleader appearing for the respondents that the vehicles were seized as the same was plied without valid papers for transporting one unit of sand.

6. In any event, as the vehicles are under the custody of the 2nd respondent having been seized on 22.03.2019 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 second 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 second 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 second 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 second respondent;*
- (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;
<https://hcservices.ecourts.gov.in/hcservices/>



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(vi) The second 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 second respondent."

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To:

- 1) The District Collector,
Theni, Theni District.
- 2) The Revenue Divisional Officer/
the Executive Magistrate,
Uthamapalayam, Theni District.
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Gudalur South Police Station,
Gudalur, Theni District.
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Mines and Geology,
Theni District.

+1 CC to MR.S.SUNDARAPANDIAN, Advocate (SR-6567[F] dated 17/02/2020)

+1 CC to SPL.GP (SR-6751[F] dated 18/02/2020)

Order made in
W.P (MD) No.3133 of 2020

Dated:
17.02.2020

KM/ (25.02.2020) 3P 7C