



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.19730 of 2019

and

W.M.P. (MD) .No.16217 of 2019

A.Durai

...Petitioner

Vs.

- 1.The Assistant Director of Mines and Minerals,
Mines and Minerals Department,
Sivagangai, Sivagangai District.
- 2.The District Collector,
Sivagangai District, Sivagangai.
- 3.The Personal Assistant to District Collector
(Mines and Minerals),
O/o. The District Collector Office,
Sivagangai District, Sivagangai,
- 4.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 5.The Deputy Superintendent of Police,
O/o, the Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
- 6.The Inspector of Police,
Alagappapuram Police Station, Karaikudi, Sivagangai District.
- 7.The Sub Inspector of Police,
Alagappapuram Police Station,
Karaikudi, Sivagangai District.
- 8.K.Marimuthu,
the Sub Inspector of Police,
Alagappapuram Police Station,
Karaikudi, Sivagangai District.

...Respondents



PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the sixth and seventh respondents to release the vehicle bearing registration No.TN 02 C 9949 available with the sixth respondent Police station and to take appropriate disciplinary action against the eighth respondent for having seized the vehicle illegally within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petitioner's petition mentioned vehicle was seized by the sixth respondent. The allegation is that the vehicle was involved in illegal transportation of sand. The petitioner states that it is not a case of illegal transportation of sand. The petitioner has enclosed in the typed set of papers the permit issued for the said transportation. The stand of the respondent appears to be otherwise.

3.Be that as it may, the fact remains that till date the vehicle in question was not produced before the learned Jurisdictional Magistrate. Even though the petitioner has asked for action to be taken against the officials concerned, the petitioner's counsel states that he is not pressing the said prayer. The same is also recorded. Usually for the release of a vehicle, this Court imposes certain conditions. If it is a lorry, the petitioner is asked to pay a sum of Rs.50,000/-. But, I take note of the fact that the vehicle in question has been in the custody of the respondents for more than ten months. This I think must have caused sufficient loss to the petitioner. Therefore, this is a case in which the petitioner deserves to get back his vehicle without being put on the usual terms. The petitioner of course has to produce the vehicle as and when required before the Court or the authority concerned. The petitioner of course undertakes not to alienate the vehicle in the meanwhile. Recording the aforesaid undertaking, the respondents are directed to return the petition mentioned vehicle to the petitioner forthwith and without any delay. The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.



4.The Writ Petition is allowed on these terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

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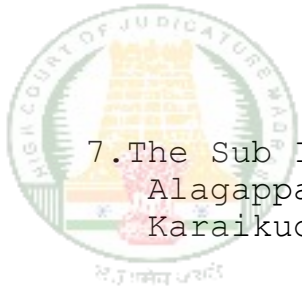
Sub Assistant Registrar(CS)

Tsg

Note: 1.In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Assistant Director of Mines and Minerals,
Mines and Minerals Department,
Sivagangai, Sivagangai District.
- 2.The District Collector,
Sivagangai District, Sivagangai.
- 3.The Personal Assistant to District Collector
(Mines and Minerals),
O/o. The District Collector Office,
Sivagangai District, Sivagangai,
- 4.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 5.The Deputy Superintendent of Police,
O/o, the Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
- 6.The Inspector of Police,
Alagappapuram Police Station, Karaikudi, Sivagangai District.



7.The Sub Inspector of Police,
Alagappapuram Police Station,
Karaikudi, Sivagangai District.

WEB COPY

ORDER MADE IN
W.P. (MD) .No.19730 of 2019

17.07.2020

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NR(21/07/2020) 4P 8C