



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.24778 of 2019

C.Tirunavukkarasu

... Petitioner

Vs.

- 1.The Assistant Director,
Geology and Mining,
Thanjavur District.
- 2.The Revenue Divisional Officer,
Thanjavur District.
- 3.The Inspector of Police,
Orathanadu Police Station,
Thanjavur 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 Tipper Lorry (MULTI AXLE GOODS VEHICLE) bearing Registration No.TN38 AT 3777 seized in connection with Crime No.204 of 2019 on the file of the 3rd respondent based on the petitioner's representation dated 16.07.2019.

For Petitioner : Mr.T.Palanisamy
For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Mr..M.Rajarajan, learned Government Advocate takes notice for 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 respondents to release the petitioner's vehicle viz., Tipper Lorry (MULTI AXLE GOODS VEHICLE) bearing Registration No.TN38 AT 3777 seized by the 3rd respondent on 09.06.2019, on the basis of the petitioner's representation dated 16.07.2019.



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 Government Advocate appearing for the respondents that the vehicle was seized as the same was plied without valid papers for transporting sand.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 09.06.2019 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 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 first 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 first respondent herein, as two units of sand were illegally transported;
- (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 vehicle in question shall be returned to the petitioner;
- (v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- (vi) The first 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 first respondent."

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

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To:

1.The Assistant Director,
Geology and Mining,
Thanjavur District.

2.The Revenue Divisional Officer,
Thanjavur District.

3.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

+1 CC to MR.T.PALANISAMY, Advocate (SR-1898[F] dated 20/01/2020)

+1 CC to SPL.GP (SR-1929[F] dated 20/01/2020)

W.P(MD)No.24778 of 2019

13.01.2020

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