

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 15.05.2019

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

+W.P.(MD)No.12177 of 2019

#K. Ananthan

... Petitioner

Vs.

\$1. The Sub Collector,
Sivagangai, Sivagangai District.

2. The Assistant Director of Mines and
Minerals Department,
Sivagangai District.

3. The Inspector of Police,
Palathur Police Station,
Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents to release the vehicle
bearing registration No.TN~28~W~9464.

!For Petitioner : Mr.v. Karuna

^For Respondents : Mr.M.C.Mani Chellaiah Prabhu,
Additional Government Pleader

:ORDER

This Writ Petition has been filed for a direction to the respondents to
release the Petitioner-s vehicle ie., Lorry bearing registration No.TN~28~W~
9464.

2. Heard the learned counsel for both sides.

3. The petitioner-s vehicle was seized in connection with illegal
transportation of sand. The enquiry in this regard is still pending.

4. The submission of the learned counsel for the petitioner is placed
on record. If this submission turns out to be false, the order now passed by
this Court would stand automatically recalled and the petitioner will be
visited with serious consequences. I am of the view that no purpose will be
served by keeping the vehicle in question in the custody of the respondents.
If the vehicle is kept in open space and exposed to sun light and rain, it
would lose its value. Therefore, the respondents are directed to release the
said vehicle subject to the following conditions.

5. Accordingly, this Writ Petition is disposed of with the following

directions.

(i) If the petitioner involves in similar offence in future, he will not be entitled to claim any relief. Since the petitioner has already involved in similar offence, the petitioner is directed to deposit a sum of Rs.1,50,000/~ (Rupees One Lakh Fifty thousand only) before the second respondent;

(ii) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle.

(iii) The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(iv) On compliance of the above conditions, the third respondent is directed to release the seized vehicle bearing Registration No.TN~28~W~9464 to the petitioner.

(v) The second respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days;

(vi) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of the concerned criminal Court of appropriate jurisdiction, then option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(vii) Inasmuch as the vehicle bearing Registration No.TN~28~W~9464 is seized by the first respondent on 29.08.2018, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

No costs.

To

1. The Sub Collector,
Sivagangai, Sivagangai District.

2. The Assistant Director of Mines and
Minerals Department,
Sivagangai District.

3. The Inspector of Police,
Palathur Police Station,
Sivagangai District.