



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.12.2013

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No. 20960 of 2013

and

M.P (MD) No. 1 of 2013

Muthiah

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Sivaganga,
Sivagangai District.

2. The Tahsildar,
Office of the Taluk Office,
Thiruppavanam Taluk,
Sivagangai District.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the respondents herein to forthwith release the vehicle bearing Registration No. Tipper TN-57-L-0461, belonging to the petitioner.

For Petitioner ... Mr. Veera Kathiravan

For Respondents... Mr. S. Sathish Kumar,

Additional Govt. Pleader

ORDER

Heard the learned Counsel appearing for the petitioner and Mr. S. Sathish Kumar, learned Additional Government Pleader who takes notice for the respondents. By consent, the writ petition itself is taken up for final hearing.

2. The petitioner has come up with the present writ petition for a writ of Mandamus, to direct the respondents herein to forthwith release the vehicle bearing Registration No. Tipper TN-57-L-0461, belonging to the petitioner.



3. It is the case of the petitioner that he is the owner of the vehicle in question. On 27.12.2013, the second respondent seized the vehicle. The petitioner, therefore, submitted a representation to the Revenue Divisional Officer, Sivagangai District, on 27.12.2013, requesting for release of the vehicle. Since the vehicle has not been released so far, the petitioner, has come up with the present writ petition for the relief stated earlier.

4. Considering the above facts and circumstances of the case, I am inclined to pass the following order:

(i) The petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with the first respondent, within a period of one week from the date of receipt of a copy of this order.

(ii) On deposit of the said amount, the respondents are directed to release the vehicle on the following conditions:

(a) The petitioner shall produce before the respondents the relevant documents to establish that he is the owner of the vehicle.

(b) He shall execute an affidavit giving undertaking that he will not alienate the vehicle for a period of three months or till the completion of the proceedings, if any, initiated against him.

(c) The petitioner shall produce the vehicle before the respondents as and when required.

(iii) The respondents are at liberty to initiate proceedings against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceeding has to be taken, within a period of three months from the date of receipt of a copy of this order. If no action is taken against the petitioner, within the said period, the amount deposited by him shall be returned to him; and

(iv) The petitioner shall abide by the orders passed by the authority concerned or the respondents.

5. The writ petition stands ordered accordingly. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Vacation Officer

/True Copy /



To

1.The Revenue Divisional Officer, Sivaganga, Sivagangai District.

2.The Tahsildar, Office of the Taluk Office, Thiruppavanam Taluk,
Sivagangai District.

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

+1cc to Mr.Veera Kathiravan, Advocate in SR No.64456.

W.P (MD) No.20960 of 2013
and
M.P (MD) No.1 of 2013
30.12.2013

rsb/ssl

msm 31.12.2013 p3/5c