



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.12.2013

CORAM:
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) Nos.20961 and 20962 of 2013
and
M.P (MD) Nos.1 and 1 of 2013

Chokkalingam

...Petitioner
in both the petitions

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
in both the petitions

Prayer in W.P(MD)No.20961 of 2013: 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 J.C.B. Mahendra Earth Master, bearing Registration No.TN-63-AD-0515, belonging to the petitioner.

Prayer in W.P(MD)No.20962 of 2013: 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 Tipper, bearing Registration No.TN-21-AY-8723, belonging to the petitioner.

For Petitioner ... Mr.Veera Kathiravan
(in both the petitions)
For Respondents... Mr.S.Sathish Kumar
(in both the petitions)
Additional Govt. Pleader

COMMON 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 petitions for a writ of Mandamus, to direct the respondents herein to forthwith release the vehicles, namely, (i) J.C.B. Mahendra Earth Master, bearing Registration No.TN-63-AD-0515 and (ii) Tipper, bearing Registration No.TN-21-AY-8723, belonging to the petitioner.

3. It is the case of the petitioner that he is the owner of the vehicles in question. On 27.12.2013, the second respondent seized the vehicles. The petitioner, therefore, submitted the representations to the



Revenue Divisional Officer, Sivagangai District, on 27.12.2013, requesting for release of the vehicles. Since the vehicles have not been released so far, the petitioner, has come up with the present writ petitions 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) for **each vehicle**, 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 vehicles on the following conditions:

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

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

(c) The petitioner shall produce the vehicles 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 petitions stand ordered accordingly. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Vacation Officer/

Assistant Registrar

/True copy/

Sub Assistant Registrar

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.

+2cc to Mr.Veera Kathiravan, Advocate in SR.64457 & 64458

W.P(MD)Nos.20961 and 20962 of 2013

and M.P(MD)Nos.1 and 1 of 2013

30.12.2013