

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

W.P.No.35021 of 2015

A.Mohanraj

... Petitioner

Vs

The Revenue Divisional Officer,
Dharapuram, Tiruppur District.

...Respondent

Writ petition filed under 226 of the Constitution of India for the issuance of writ of mandamus to direct the respondent to release the Tata Hitachi bearing Machine No.0703-3127 along with Activa Scooter bearing Regn.No.TN-42-Y-5965 seized by the Tahsildar, Kangayam, Tiruppur District on 01.10.2015 to the petitioner.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.T.N.Rajagopalan,
Spl. Govt. Pleader

ORDER

The petitioner has filed this writ petition praying for a direction to the respondent to release the Tata Hitachi machine bearing No.0703-3127 along with Activa Scooter bearing Registration No.TN-42-Y-5965, which had been seized by the Tahsildar, Kangayam, Tiruppur District on 01.10.2015, to him.

2.It is the case of the petitioner that he purchased the Tata Hitachi Machine bearing No.0703-3127 under the valid documents. After purchase, he used to hire the same for levelling the lands. While so, on 01.10.2015, when the petitioner was working to level the land, the Tahsildar, Kangayam came and seized the said Tata Hitachi machine along with Activa Scooter bearing Regn.No.TN 42 Y 5965 on the allegation that the work was carried on, without getting prior permission from the respondent.

3. According to the petitioner, there is no necessity or requirement for getting permission from the respondent for levelling individual agricultural patta land and hence the seizure is illegal and arbitrary. The petitioner made a representation dated 17.10.2015 to the respondent seeking release of the vehicle/property. Since no action has been taken by the respondent, the petitioner has filed the present writ petition.

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

5. According to the learned counsel for the petitioner, the vehicle/property are kept in open weather, by which, the same are getting damaged.

6. In view of the same, this Court directs the respondent to release the Tata Hitachi Machine bearing No.0703-3127 along with Aactiva Scooter bearing Regn. No.TN 42 Y 5965 on the following conditions:-

(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash with the respondent.

(ii) The petitioner shall produce documents before the respondent to establish the ownership of the vehicle/property in question.

(iii) The petitioner shall file an undertaking that he will produce the vehicle/property in question before the respondent as and when called for and that he will not alienate the vehicle/property in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle/property to the petitioner within two days.

(v) The respondent shall proceed with the enquiry and pass appropriate orders. The petitioner is also directed to appear and co-operate with the enquiry.

(vi) This order for release of the vehicle/property can be availed of by the petitioner if no criminal case is pending. If any criminal case is pending, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the

vehicle/property by filing appropriate application and the same can be considered in accordance with law.

7.The writ petition is disposed of with the above directions. No costs.

sd/
ASSISTANT REGISTRAR(CS-II)

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SUB-ASSISTANT REGISTRAR

rk

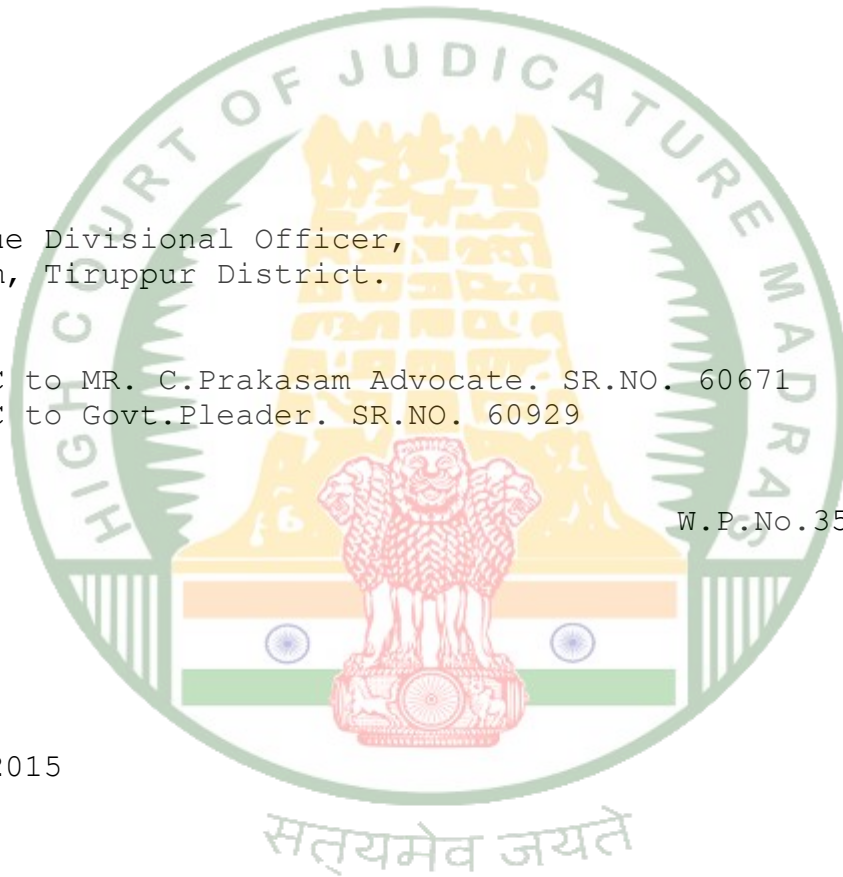
To

The Revenue Divisional Officer,
Dharapuram, Tiruppur District.

+1 CC to MR. C.Prakasam Advocate. SR.NO. 60671
+1 CC to Govt.Pleader. SR.NO. 60929

W.P.No.35021 of 2015

CO-ALA
JD 05/11/2015



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