



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.08.2015

CORAM
THE HONOURABLE MR.JUSTICE R.SUBBIAH

WEB COPY

W.P. (MD) No.14401 of 2015

M.MURUGESAN

.. Petitioner

Vs.

1. THE DISTRICT COLLECTOR,
RAMANATHAPURAM DISTRICT, RAMNAD
2. THE REVENUE DIVISIONAL OFFICER,
RAMANATHAPURAM DISTRICT, RAMNAD
3. THE TAHSILDAR,
RAMANATHAPURAM TALUK OFFICE,
RAMANATHAPURAM DISTRICT, RAMNAD.
4. THE SUB INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to forthwith release petitioner's J.C.B. bearing Registration No.TN 65 L - 4734.

For Petitioner : Mr.P.Mahendran
For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

This writ petition has been filed for a writ of Mandamus directing the respondents herein to forthwith release petitioner's J.C.B. bearing Registration No.TN 65 L - 4734.

2.The case of the petitioner is that he is the absolute owner of the J.C.B. bearing registration No. TN 65 L-4734. He is running business by hiring JCB under the name and style of "Sri Dharmamuneeswarar Lorry and Earth Movers" at Ramanathapuram. While so, on 17.07.2015, when the said JCB was passing through Devipattinam to Ramad, near Marappalam petrol Bunk, near ECR road, the fourth respondent police seized the above said JCB. But no reason was given for the said seizer. Having come to know the illegal seizer of the JCB, the petitioner rushed to the police station and enquired. But no proper reply was given. Hence, the petitioner has filed the present writ petition.

3.When the matter is taken up for consideration, the learned Additional Government Pleader submitted that the petitioner is involved in theft of sand and that is the reason why, the vehicle was seized. He would further submit that now the adjudication proceeding is pending before the second



respondent.

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

5. Considering the facts and circumstances of the case and the submissions made on either side, I am of the opinion that if the seized vehicle is exposed to sun and rain, it would be losing its value. Under such circumstances, I am inclined to direct the first respondent to release the vehicle in question pending the adjudication proceedings to the petitioner on the following conditions:-

(i) The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with the first respondent;

(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 first respondent;

(iv) On doing so, the vehicle in question shall be returned to the petitioner; and

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

6. This writ petition stands ordered accordingly. No costs.

Sd/-

Assistant Registrar - P AND A

\\True copy\\

Sub Assistant Registrar

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To

1. THE DISTRICT COLLECTOR,
RAMANATHAPURAM DISTRICT, RAMNAD
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RAMANATHAPURAM DISTRICT, RAMNAD.
4. THE SUB INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

1CC TO MR. P. MAHENDRAN, ADV SR: 45870

RG 12 8 15 - 2P 6C

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