



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.02.2015
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

WEB COPY

W.P. (MD) No.16410 of 2014

K.Subbiah Pandi

... Petitioner

vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District

2.The Inspector of Police,
Nalattinpudur Police Station,
Kovilpatti
Thoothukudi District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 2nd respondent to release the petitioner's vehicle Tractor bearing Registration No.TN 50 Y 5659, within the time that may be stipulated by this court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents :
Mr.V.Muruganandham
Addl. Government Pleader

O R D E R

The writ petition is filed for a direction to the 2nd respondent to release the petitioner's vehicle Tractor bearing Registration No.TN 50 Y 5659.

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

3. According to the petitioner, the said vehicle was seized by the 2nd respondent without there being any cause of action to do so. It is further stated that the said vehicle has not indulged in any unlawful activities.

4. A counter has been filed by the first respondent, wherein, it is stated that the said vehicle was indulging in illicit transport of minor mineral sand, which necessitated the authorities to seize the vehicle.

5. The learned Additional Government Pleader submitted that penalty proceedings initiated against the petitioner is under process.

6. Considering the fact that the vehicle was seized as early as on 22.08.2014 and the same is exposed to sun and rain, thereby diminishing its value, the Court is of the view that the vehicle can be released subject to certain terms and conditions as has been done in similar cases.



7. Accordingly, the respondents are directed to release the said Tractor, bearing Registration No.TN-50 Y 5659, seized by the 2nd respondent on 22.08.2014, to the petitioner, subject to the following conditions:-

"i) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty five 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 his ownership of the vehicle;

(b) He shall execute an affidavit giving undertaking that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him;

iii) The respondents are at liberty to initiate proceeding 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.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

\\True copy\\

Sub Assistant Registrar

To

1.The Revenue Divisional Officer, Kovilpatti, Thoothukudi District

2.The Inspector of Police, Nalattinpudur Police Station,
Kovilpatti Thoothukudi District

+1 CC TO M/S.G.THALAIMUTHARASU, ADVOCATES SR.NO.6390

+1 CC TO THE SPL.GOV.T.PLEADER SR.NO.6240

W.P.(MD) No.16410 of 2014
10.02.2015

RR

NA/19/02/2015/P2/5C