



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.08.2015

CORAM
THE HONOURABLE MR.JUSTICE R.SUBBIAH

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W.P. (MD) No.15377 of 2015

S.Selvanayakan

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar
Kadaladi Taluk Office,
Ramanathapuram District.

4.The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction more particularly in the nature of Writ of Mandamus directing the respondents herein to forthwith release petitioner's Tipper bearing Registration No.TN 48Q - 3787.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This writ petition has been filed for a writ of Mandamus directing the respondents herein to forthwith release the petitioner's Tipper bearing Registration No.TN 48Q - 3787.

2.The case of the petitioner is that he is the absolute owner of the Tipper bearing Registration No.TN 48Q - 3787. He used the said vehicle for carrying out earth removing and mud removing operations, more particularly for demolition work. While so, on 03.08.2015 at about 12.30 pm to 1.00 pm, when the said Tipper was passing through the Jinna Bulk Road at Sayalgudi, the fourth respondent police has seized the above said Tipper without giving any reason. Having come to know the illegal seizure of the Tipper, the petitioner rushed to the police station and enquired and it was informed that as per direction given by the respondents 2 and 3, the said Tipper was seized. But there was no such direction from the



respondents 2 and 3. 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 has 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 second 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 second 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 second 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 second 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 allowed. No costs.

Sd/-

Assistant Registrar - AS

/True Copy/

Sub Assistant Registrar

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To

1. The District Collector, Ramanathapuram District, Ramanathapuram.
2. The Revenue Divisional Officer, Paramakudi, Ramanathapuram District.
3. The Tahsildar, Kadaladi Taluk Office, Ramanathapuram District.
4. The Inspector of Police, Sayalgudi Police Station, Ramanathapuram District.

1CC TO MR. P. MAHENDRAN, ADV SR: 49232