



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE **K. RAVICHANDRABAABU**

W.P. (MD) No. 2906 of 2015

Sivasubramanian

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3. The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the respondents to release the petitioner's vehicle namely Tractor and its attached Trailer bearing Registration Nos. TN-72-M-5142 and TN-72 -E-2367 which was seized by the third respondent on 08.02.2015 and kept under the custody of the first respondent.

For Petitioner : Mr. C.K.M. Appaji

For Respondents : Mr. D. Muruganandam
Addl. Govt. Pleader.

ORDER

The petitioner seeks for a Mandamus, to direct the respondents to release the petitioner's vehicle namely Tractor and its attached Trailer bearing Registration Nos. TN-72-M-5142 and TN-72-E-2367 respectively.

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

3. The grievance of the petitioner is that the said vehicle was not involved in any offence as alleged by the respondents and they were used only for lawful purpose. Therefore, for the release of the said vehicle, the present Writ Petition is filed.

4. In my considered view, all these contentions raised by the petitioner cannot be gone into by this Court at this stage. However, as the vehicles were seized and kept idle, certainly it would diminish the value of the same.



5. Considering the facts and circumstances of the case, the respondents are directed to release the said Tractor and its attached Trailer bearing Registration Nos.TN-72-M-5142 and TN-72-E-2367, seized by the third respondent on 08.02.2015, to the petitioner, subject to the following conditions:-

"i) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten 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 vehicles on the following conditions:-

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

(b) He shall execute an affidavit giving undertaking that he will not alienate the vehicles 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.

6. With the above direction, this Writ Petition is **disposed of**. No costs.

Sd/-

Assistant Registrar(Per.Admn)

/True copy/

Sub Assistant Registrar

pjl

To

1.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3.The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.

+1cc to MR.C.K.M.APPAJI,ADVOCATE IN SR NO.10319

W.P (MD) No.2906 of 2015

04.03.2015