



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.7356 of 2015

R.Velusamy

... Petitioner

Vs.

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

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's vehicle Mahindra Nissan Tipper Tempo bearing registration No. TN-30/V-9394 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.V.Muruganandham, AGP

O R D E R

The Writ petition is filed for a direction to the respondents 1 and 2 to release the petitioner's vehicle Mahindra Nissan Tipper bearing Registration No.TN-30/V-9394.

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 3rd respondent alleging that 1 ½ unit red sand has been transported in the said vehicle without any valid permit. It is further stated that the said vehicle has not indulged in any unlawful activities.

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

5.Considering the fact that the vehicle was seized as early as on 21.02.2015 and the same is exposed to sun and rain, thereby diminishing its value, this Court is of the view that the vehicle can be released subject to certain terms and conditions as has been done in similar cases.

6.Accordingly, the respondents are directed to release the said Mahindra Nissan Tipper, bearing Registration No.TN 30 V 9394, seized by the 3rd respondent, 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 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."

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

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

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

2. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

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

+1cc to the special Government Pleader SR.NO.24814
+1cc to Mr.G.Thalaimutharasu, Advocate SR.No.23786

nbj

sm:02.06.2015:2P/6C

W.P. (MD) No.7356 of 2015
29.04.2015