

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

C O R A M

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

Writ Petition No.15959 of 2016

S.Arokiamary

...Petitioner

-Vs-

1.The Revenue Divisional Officer
Cheyyar
Thiruvannamalai District

2.The Tahsildhar
Cheyyar Taluk
Thiruvannamalai District

3.Inspector of Police
Anukkavoor Police Station
Thiruvannamalai District

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 1st respondent to release the vehicle bearing Reg.No.TN-20-CY-8199, which was seized by the 2nd respondent on 28.03.2016 and the same is kept with the 3rd respondent's premises to the petitioner.

For petitioner : Mr.A.Ilaya Perumal

For respondents : Mr.A.Rajaperumal, Govt.Advocate

ORD E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to release the vehicle bearing Reg.No.TN-20-CY-8199, which was seized by the 2nd respondent on 28.03.2016.

2. It is the case of the petitioner that on 28.03.2016, the petitioner's vehicle bearing Reg.No.TN-20-CY-8199 was hired by one S.Nagarajan, to transport the bituminous for his own use and accordingly, the bituminous was transported through the lorry. The 2nd respondent inspected the vehicle and seized the vehicle on 28.03.2016. In spite of the petitioner's representation, the vehicle was not released by the respondents so far.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, in W.P.No.39794 of 2015, by order dated 07.01.2016, this court directed the respondent-Revenue Divisional Officer to release the vehicle imposing the following conditions:-

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

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) with the 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 respondent;

(iv) On doing so, the Tractor in question shall be returned to the petitioner.

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

(vi) In case of violation of any one or more conditions by the petitioner, it is open to the respondent to initiate appropriate action for the seizure of vehicle;

(vii) The respondent is at liberty to take appropriate action pursuant to the decisions taken in the proceedings. "

4. Mr.Rajaperumal, learned Government Advocate, taking notice for the respondents submitted that following the order passed in W.P.No.39794 of 2015, the vehicle can be released imposing the conditions imposed in the said writ petition.

5. In view of the submissions made by the learned counsel on either side, I direct the 1st respondent to release the Lorry bearing Reg.No.TN-20-CY-8199 to the petitioner on the following conditions:-

"(i) The petitioner shall produce documents before the 1st respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) with the 1st 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 1st respondent;

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

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

(vi) In case of violation of any one or more conditions by the petitioner, it is open to the 1st respondent to initiate appropriate action for the seizure of vehicle;

(vii) The respondents are at liberty to take appropriate action pursuant to the decisions taken in the proceedings. "

6. After complying with the conditions imposed in this writ petition, the respondents are directed to release the Lorry bearing Reg.No.TN-20-CY-8199 to the petitioner, within 3 days from the date of complying with the conditions as stated above.

With this observation, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Cheyyar,
Thiruvannamalai District.

2.The Tahsildhar,
Cheyyar Taluk,
Thiruvannamalai District.

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3. Inspector of Police,
Anukkavoor Police Station,
Thiruvannamalai District.

+lcc to the Government Pleader sr.27950
+lcc to Mr.A.Ilayaperumal, Advocate sr.27614

W.P.No.15959 of 2016

lrs (CO)
srg (03/05/2016)



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