



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.17671 of 2016

Boominathan

...Petitioner

Vs.

The Sub Collector,
Paramakudi Division,
Ramanathapuram District.

...Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioners representation dated 08.09.2016 and consequently direct him to release the Tractor bearing Registration No. TN - 65 - V- 6433 with trailer bearing Reg. No. TN -65 -F-4161.

For Petitioner

: Mr.R.Venkateswaran

For Respondent

: Mr.V.Muruganandam,
Additional Government Pleader.

ORDER

The petitioner seeks for a Mandamus, to direct the respondent to release the petitioner's vehicle namely, Tractor bearing Registration No.TN-65-V-6433 with trailer bearing Reg.No.TN-65 -F-4161.

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

3.The grievance of the petitioner is that the said vehicle was not involved in any offence as alleged by the respondent and it was used only for lawful purpose. Therefore, for the release of the said vehicle, the present writ petition has been 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 vehicle was seized and kept idle, certainly it would diminish the value of the same.

5.Considering the facts and circumstances of the case, the respondent is directed to release the said Tractor bearing Registration No.TN-65-V-6433 with trailer bearing Reg.No.TN-65 -F-4161, seized by the respondent on 01.09.2016 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 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 respondent is directed to release the vehicle on the following conditions:-

(a) The petitioner shall produce before the respondent, the relevant documents to establish that he is the owner 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 respondent is 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 respondent."

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

The Sub Collector, Paramakudi Division, Ramanathapuram District.

+1cc to M/s.R.Venkateswaran, Advocate in SR.53380

+1cc to the Special Government Pleader, in SR.53927

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19.09.2016

sms

PBK/SS-3 22/09/2016 ::2P-4C: