



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.12.2016

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD)No.25060 of 2016

T.Muthaiah @ Skailab

.. Petitioner

vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi,
Tirunelveli District.

2.The Zonal Deputy Tahsildar,
Sivagiri Taluk Office,
Sivagiri,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to release the petitioner's vehicles namely Tractor with Tailor and JCB bearing Regn.No. TN-79-A-0024, TN-76-F-2461, TN-76-S-6435 respectively, which were seized by the 2nd respondent on 09.08.2016.

For Petitioner : Mr.C.Baskaran

For Respondents : Mr.C.Selvaraj
Special Government Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to release the petitioner's vehicles, namely, Tractor with Tailor and JCB bearing Regn.No. TN-79-A-0024, TN-76-F-2461, TN-76-S-6435 respectively, which were seized by the 2nd respondent on 09.08.2016.

2.Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel appearing for the petitioner would bring to the notice of this Court through the typed set of papers that



in similar circumstances, this Court considered the issue involved in this Writ Petition in W.P.(MD).No.5675 of 2014 and ordered to release the vehicle. Subsequently also, the same issue was considered in W.P.(MD).No.7614 of 2014, dated 29.04.2014 and vehicle therein was released with certain conditions.

WEB COPY

5.The learned Special Government Pleader has not refuted the said submission of the learned counsel appearing for the petitioner. However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.

6. Considering the facts and circumstances of the case and in view of the fact that the vehicles in question are kept without any use by exposing it to the sun and the rain, it would certainly lose its value, the first respondent is directed to release the vehicles in question to the petitioner on the following conditions:

"(i) The petitioner shall produce necessary documents before the first respondent to establish to prove his ownership of the vehicles in question;

(ii) The petitioner shall deposit a sum of Rs.10,000/- for each vehicle with the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicles or any other vehicles for any illegal activities and also he will not indulge in such activities in future;

(iv) The vehicle shall be produced to the respondents as and when required.

7. After fulfilling all the four conditions, the first respondent shall release the vehicles in question to the petitioner with specific condition that he shall not alienate or encumber the vehicles in question till the disposal of the proceedings before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioner, in case, he violates any one of the conditions stipulated in this case.

8. With the above direction, this writ Petition stands disposed of. No Costs.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar.



To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi,
Tirunelveli District.

2.The Zonal Deputy Tahsildar,
Sivagiri Taluk Office,
Sivagiri,
Tirunelveli District.

+1CC to M/S.C.Baskaran, Advocate, SR.No. 83845
+1CC to the Special Government Pleader, SR.No. 83854

W.P (MD) No.25060 of 2016

PJL

MSM/CK/SAR-1/29.12.2016/3P/5C