



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3465 of 2016

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R.Ganesan

... Petitioner

Vs.

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

2.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to release the Tractor bearing Registration No.TN 72 M 2804 along with Trailer bearing Registration No.TN 20 S 1865 seized by the third respondent on 21.01.2016 to the petitioner.

For Petitioner : Mr.S.Prasanth

For Respondents : Mr.S.Satheeshkumar,
Additional Government Pleader

ORDER

Mr.S.Satheeshkumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner has come up with the present Writ Petition seeking for a Writ of Mandamus directing the respondents 1 to 3 to release the Tractor bearing Registration No.TN 72 M 2804 along with Trailer bearing Registration No.TN 20 S 1865 seized by the third respondent on 21.01.2016 to the petitioner.

4. In similar circumstances, this Court by order dated 25.07.2011 in W.P(MD)No.8110 of 2011 directed the respondents therein to release the vehicle, subject to certain conditions. The said order has been followed in W.P(MD)No.4548 of 2012, dated 12.04.2012.



5. The learned Additional 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.

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6. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is 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 vehicle in question to the petitioner on the following conditions:

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

(ii) The petitioner shall 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;

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

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

7. After fulfilling all the four conditions, the first respondent shall release the vehicle in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicle 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 order. The first respondent is directed to complete the proceedings, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1. The Revenue Divisional Officer, Cheranmahadevi,
Ambasamuthiram Taluk, Tirunelveli District.
 2. The Tahsildar, Ambasamuthiram Taluk, Tirunelveli District.
 3. The Inspector of Police, Pappakudi Police Station,
Pappakudi, Tirunelveli District.
- +1cc to M/S.C.Prakasam, Advocate in SR.No.9872

W.P(MD) No.3465 of 2016
19.02.2016

PM