

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE K. RAVICHANDRABAABU

W.P.No.7933 of 2017

R.Pandian

...Petitioner

Vs.

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to release the Tractor along with Trailer bearing Registration No.TN-25-AR-7851 seized by the Tahsildar, Vembakkam, Thiruvannamalai District on 19.03.2017 to the petitioner.

For Petitioner :M/s.C.Prakasam

For Respondents :Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The petitioner has filed the present writ petition for a Mandamus to direct the respondent to release the Tractor along with Trailer bearing Registration No. TN-25-AR-7851 seized by the Tahsildar, Vembakkam, Thiruvannamalai District on 19.03.2017.

2. It is the case of the petitioner that he is the owner of the Tractor along with Trailer bearing Registration No. TN-25-AR-7851 and the same is being used for hire and the same was entrusted to his driver with strict instructions to use the said vehicle for lawful purpose. While so, on 19.03.2017, when the said Tractor along with Trailer was engaged in transporting one load of sand for the construction work, along with valid documents, the same was seized by the Tahsildar, Vembakkam, Thiruvannamalai District. On coming to know about the same, the petitioner approached the respondent and made a representation dated 27.03.2017 requesting to release his vehicle. However, till date, no order has been passed by the respondent. Therefore, he has filed the present writ petition for the above stated relief.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

4. According to the learned counsel for the petitioner, the vehicle is kept in open weather, by which, the same is getting damaged.

5. In view of the same, this Court directs the respondent to release the Tractor along with Trailer bearing Registration No.TN-25-AR-7851, however, subject to the following conditions :-

"(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash before the respondent.

(ii) The petitioner shall produce the documents relating to the ownership of the vehicle.

(iii) The petitioner shall file undertakings that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within two days.

(v) The respondent is directed to pass final orders in the adjudication proceedings, within a period of four months.

(vi) This order for release of the vehicle can be availed of by the petitioner if no criminal case is pending against the alleged delinquency. If any criminal case is pending, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law."

6. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

To

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

+1 CC to Mr. C. Prakasam, Advocate sr 20449

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