

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED :15.06.2017****CORAM****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****W.P (MD) No.10833 of 2017**

K.Ponnuchamy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2. The Inspector of Police,
Sattur Taluk Police Station,
Sattur,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to release the petitioner's lorry bearing Reg.No.TN-09AH 7929 seized by the 2nd respondent on 01.06.2017.

For Petitioner	: Mr.S.Prasanth
For Respondents	: Mr.G.Muthukannan, Government Advocate

ORDER

The petitioner has come with the above writ petition seeking for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's lorry bearing Reg.No.TN-09AH 7929 seized by the second respondent on 01.06.2017.

2.Admittedly, the first respondent has passed an order dated 06.06.2017 imposing penalty Rs.25,820/-.

3.Considering the above stated facts and circumstances and also considering the fact that the vehicle in question is being kept without any use by exposing it to the sun and rain, which would certainly lose its value, the respondents are directed to released the vehicle in question to the petitioner on the following conditions:-

(I) The petitioner shall deposit a sum of Rs.25,820/- with the first respondent within a period of four weeks from the date of receipt of a copy of this order;



(ii) On deposit of the said amount, the respondents are directed to release the vehicle on the following conditions:

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

(b) The petitioner shall execute an undertaking affidavit 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 proceedings against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceedings has to be taken within a period of three months from the date of receipt of a copy of this order. If no proceeding is initiated against the petitioner within the said period, the amount deposited by him shall be returned to him.

(iv) The petitioner shall abide by the orders passed by the authority concerned or the respondents.

4. With the above directions, the Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To,

1. The Revenue Divisional Officer,
Sattur,
Virudhunagar District.
2. The Inspector of Police,
Sattur Taluk Police Station,
Sattur,
Virudhunagar District.

PM

VB/KP/SAR3/28.06.2017/2P/3C

W.P (MD) No.10833 of 2017
15.06.2017