

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 06.07.2017****CORAM****THE HONOURABLE MR.JUSTICE R.MAHADEVAN****W.P. (MD) Nos.12420 and 12421 of 2017**

A.Peer Myden

... Petitioner in both petitions

-vs-

1. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

2. The Tahsildar,
Ettaiyapuram Taluk,
Thoothukudi District.

3. The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.

...Respondents in both petitions

Prayer in W.P.(MD) No.12420 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the lorry of the petitioner bearing its registration No.TN69-BZ-7615, Multi Axle Goods Lorry, namely, Bharat Benz within the time stipulated by this Honourable court.

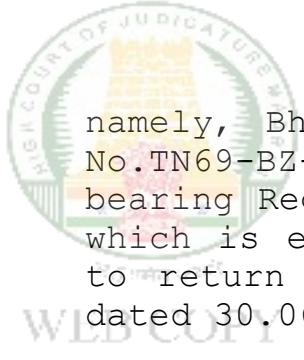
Prayer in W.P.(MD) No.12421 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the lorry of the petitioner bearing its registration No.TN69-BY-1130, Multi Axle Goods Lorry, namely, Ashok Layland Tipper within the time stipulated by this Honourable court.

For Petitioner : Mr.M.Maharaja

For Respondents : Mr.S.Kumar
Addl. Govt. Pleader

C O M M O N O R D E R

The petitioner seeks for a Writ of Mandamus directing the respondents to release the lorries (2 in nos.) of the petitioner,



namely, Bharat Benz Multi Axle Goods Lorry bearing Registration No.TN69-BZ-7615 and Ashok Leyland Tipper Multi Axle Goods Lorry bearing Registration No.TN69-BY-1130 on 28.06.2017, the custody of which is entrusted by the 2nd respondent to the 3rd respondent and to return the vehicles to him by considering his representation dated 30.06.2017.

2. According to the petitioner, even though the petitioner has plied the said vehicles with all relevant documents, the respondents seized the vehicle.

3 .On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicles were seized as the same were plied without valid papers, including registration certificate books and transport permits for transporting sand.

4.In any event, as the vehicles are under the custody of the 3rd respondent having been seized on 28.06.2017 and considering the fact that if the same are allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicles can be released by imposing certain conditions on the petitioner for release of the said vehicles.

5.Accordingly, the respondents are directed to release the vehicles in question to the petitioner within a period of 7 days subject to the following conditions:

"(i)The petitioner shall produce documents before the concerned respondent under whose custody the vehicles are kept, to establish the ownership of the vehicles in question;

(ii)The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) *in toto* before the 1st respondent herein;

(iii)The petitioner shall give an undertaking that he will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv)On doing so, the vehicles in question shall be returned to the petitioner; and

(v)The petitioner shall not alienate the vehicles ~~in question~~ till the disposal of the proceedings before the authority concerned."



6. These Writ petitions are ordered accordingly. No costs.
Sd/-
Assistant Registrar

/True Copy/

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Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
2. The Tahsildar,
Ettaiyapuram Taluk,
Thoothukudi District.
3. The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.

+2cc to Mr.M.Maharaja, Advocate Sr.No.63752 & 63753

AR/RM

VB/KP/SAR1/07.07.2017/3P/6C

W.P. (MD) Nos.12420 and 12421 of 2017
06.07.2017