



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.12669 of 2017

Muniyaraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release petitioner's TATA 207 Van bearing Registration No.TN 76 C 0025 seized by the second respondent on 22.06.2017.

For Petitioner : Mrs.P.Kalaiyarasi Bharathi
For Respondents : Mr.S.Kumar,
Additional Government Pleader

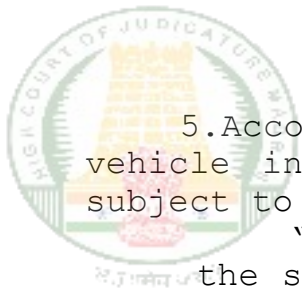
ORDER

The petitioner seeks for a Writ of Mandamus directing the respondents to release petitioner's TATA 207 Van bearing Registration No.TN 76 C 0025 seized by the second respondent on 22.06.2017.

2.According to the petitioner, even though the petitioner has plied the said vehicle 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 vehicle was seized as it was plying without valid papers including registration certificate book and transport permit for transporting river sand.

4. In any event, as the vehicle is under the custody of the second respondent having been seized on 22.06.2017 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the first respondent, this Court is of the view that the vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.



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

"(i) The petitioner shall produce documents before the second respondent to establish the ownership of the vehicle in question;

(ii) Keeping in view the fact that the petitioner's vehicle got involved in the similar offence on earlier occasion, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the first respondent herein;

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

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

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

6. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.

+1cc to Mrs.P.KALAIYARASI BHARATHI Advocate in SR. No.65762

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.66082

RM/AR

JS/JC/SAR.1/28.7.2017/2P-5C

W.P. (MD) No.12669 of 2017
17.07.2017