



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.1277 of 2017

T.Alexander

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Mines and Minerals,
Tirunelveli District,
Tirunelveli.

4.The Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.

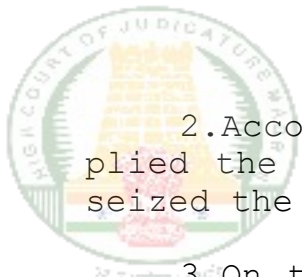
...Respondents

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 Tipper lorry bearing Registration No.TN72 AX8187 seized on 29.11.2016, the custody of which is entrusted by the 3rd respondent to the 4th respondent and to return the vehicle to him by considering his representation dated 12.01.2017.

For Petitioner : Mr.S.R.Anbarasu
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus directing the respondents to release his TATA Tipper lorry bearing Registration No.TN72 AX8187 seized on 29.11.2016, the custody of which is entrusted by the 3rd respondent to the 4th respondent and to return the vehicle to him, by considering his representation, dated 12.01.2017.



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 sand. It is also stated by the learned Additional Government Pleader that the driver was found to be drunken while the vehicle was caught hold of.

4. In any event, as the vehicle is under the custody of the 4th respondent having been seized on 29.11.2016 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 second 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 3 and 4 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) The petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) with the second respondent;

(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."

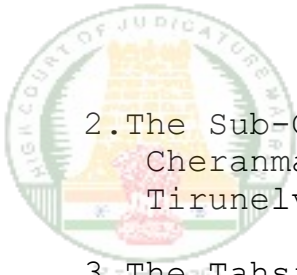
6. This Writ petition is ordered accordingly. No costs.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To
1. The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Mines and Minerals,
Tirunelveli District,
Tirunelveli.

4.The Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.

+1CC to M/S.S.R.Anbarasu, Advocate, SR.No.5512

+1CC to the Special Government Pleader, SR.No. 5712

W.P. (MD) No.1277 of 2017
01.02.2017

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