



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.14703 of 2017

A.Govindaraj

... Petitioner

Vs.

1.The Sub Collector,
Sub Collector Office,
Kumbakonam.

2.The Inspector of Police,
Thirupananthal Police Station,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to release the petitioner's vehicle bearing Registration No. TN-45-AY-7551 tractor and tipper to the petitioner on the basis of representation dated 02.08.2017.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the first respondent to release the petitioner's vehicle namely tractor bearing Registration No. TN-45-AY-7551 seized by the Revenue Inspector on 21.07.2017, based on his representation dated 02.08.2017.

2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents.

3. By consent, this writ petition itself is taken up for final disposal.

4. The learned Counsel appearing for the petitioner contended that even though the petitioner has plied the said vehicle without prior permission, the respondents seized the vehicle, which is stoutly refuted by the learned Special Government Pleader. However, the learned Special Government Pleader, fairly



submitted that the vehicle of the petitioner may be released, but stringent conditions may be imposed for stopping such occurrence, in future.

5. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to sun and rain, it would certainly lose its value, the first respondent is directed to consider the representation of the petitioner dated 02.08.2017 and release the vehicle in question to the petitioner on the following conditions:

"(i)The petitioner shall produce necessary documents before the first respondent to establish and to prove his ownership of the vehicle in question;

(ii)The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with the first respondent;

(iii)The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he will not indulge in such activities in future;

(iv)The vehicle shall be produced to the respondents as and when required."

6. After fulfilling all the four conditions, the first respondent shall release the vehicle in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicle in question till the disposal of the proceedings before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioner, in case, he violates any one of the conditions stipulated in this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Sub Collector,Sub Collector Office, Kumbakonam.
 - 2.The Inspector of Police, Thirupananthal Police Station, Kumbakonam, Thanjavur District.
- +1CC to Mr.B.Jameel Arasu, Advocate, SR.No.71081
+1CC to the Special Government Pleader SR.No. 71674

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