



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.09.2017
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P. (MD) No.16574 of 2017

T.Mahendran

... Petitioner

Vs.

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

2. The Tahsildar,
Sattur Taluk,
Sattur
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 the petitioner's vehicle JCB bearing Registration No.TN-69-AX-2415 seized by the second respondent on 11.08.2017.

For Petitioner : Mr.P.Kalaiyarasi Bharathi
For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus directing the respondents to release petitioner's JCB bearing Registration No.TN-69-AX-2415 seized by the second respondent on 11.08.2017.

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 Special 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.

4.In any event, as the vehicle is under the custody of the second respondent having been seized on 11.08.2017 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 respondents, 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 respondents to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) before 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 (RTI)

/True copy/

Sub Assistant Registrar

To

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

2. The Tahsildar,
Sattur Taluk,
Sattur
Virudhunagar District.

+ 1 CC TO MR.P.Kalaiyarasi Bharathi, ADVOCATE IN SR No.76387

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.76654

rm

MK/SV MMS/SAR-2/08.09.2017/2P/5C