



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.09.2017**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**W.P. (MD) No.17307 of 2017**

R.Chakravarthy

... Petitioner

Vs.

1. The Sub Collector,  
Office of the Sub Collectorate,  
Kumbakonam,  
Thanjavur District.

2. The Inspector of Police,  
Panthanallur Police Station,  
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 Tractor with Tipper vehicle bearing Registration No.TN-68-T-4576 within a time stipulated by this Hon'ble Court.

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-68-T-4576 seized by the second respondent on 04.09.2017.

2. Mr.M.Alaguthevan, learned Special Government Pleader takes notice for the respondents. By consent, this writ petition itself is taken up for final disposal.

3. The learned counsel for the petitioner has submitted that the vehicle of the petitioner was not involved in excavating sands illegally and the second respondent, without even conducting any preliminary enquiry has seized the vehicle and has been keeping the same under his custody from 04.09.2017 without any authority.



4. On the other hand, the learned Special Government Pleader stoutly refuted the contentions of the learned Counsel for the petitioner, but he fairly submitted that the vehicle of the petitioner may be released, but stringent conditions may be imposed for stopping such occurrence, in future.

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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 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(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector,

<https://hcservices.courtservice.in/> Sub Collectorate,

Kumbakonam,

Thanjavur District.



2. The Inspector of Police,  
Panthanallur Police Station,  
Thanjavur District.

+1cc to Mr.B.Jameel Arasu, Advocate Sr.No.78990

GK

VB/GT/SAR3/26/09/2017/3P/4C

**W.P. (MD) No.17307 of 2017**  
**14.09.2017**