



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P. (MD) No.17630 of 2017

A.Imam Ali

... 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 respondent herein to release the petitioner Tractor with Tipper vehicle bearing registration No. TN 32 Y 7912 and within a time stipulated by this Honble Court.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.J.Gunaseelan Muthiah
Govt. Advocate

ORDER

The petitioner seeks for a Writ of Mandamus directing the 2nd respondent to release the petitioner's Tractor with Tipper vehicle bearing registration No.TN-32-Y- 7912.

2.According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the respondents have seized the vehicle.

3.On the other hand, it is submitted by the learned Government Advocate 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 22.08.2017 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 second respondent is 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.25,000/- (Rupees twenty five thousand only) before the first respondent;

(iii) The petitioner shall give an undertaking to the second respondent 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 by the 2nd respondent; 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 (CO)

/True copy/

Sub Assistant Registrar

To:

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

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

+1cc to Mr.B.JAMEEL ARASU, Advocate, SR. 79823

+1cc to M/S.Special Government Pleader, SR. 79873

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KK/SKN RSK/SAR 2/20.09.2017/ 2P- 5C

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