



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.17691 of 2017

and

W.M.P (MD) No.14228 of 2017

A.Gnanaboominathan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector of Police,
Erwadi Police Station,
Ramanathapuram,
Ramanathapuram 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 Tipper lorry bearing Registration No.TN-65-B-8548, TN-57-AD-0516 and TN-60-AZ-1762 on the file of the respondents 2 & 3 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to release the petitioner's vehicles namely tipper lorry bearing Registration Nos. TN-65-B-8548, TN-57-AD-0516 and TN-60-AZ-1762 seized by the third respondent on 19.08.2017.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate services provided for the respondents. By consent, this writ petition itself is taken up for final disposal.



3. The learned counsel for the petitioner contended that though the petitioner has plied his vehicles with valid permits, the third respondent, without even conducting any preliminary enquiry, has seized the vehicles and has been keeping the same under their custody from 19.08.2017.

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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 vehicles 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 vehicles in question are kept without any use by exposing it to sun and rain, it would certainly lose its value, the second respondent is directed to release the vehicles in question to the petitioner on the following conditions:

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

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

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

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

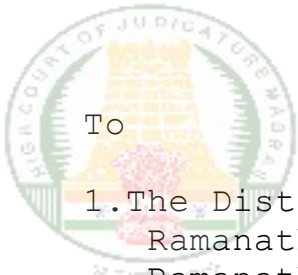
6. After fulfilling all the four conditions, the second respondent shall release the vehicles in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicles in question till the disposal of the proceedings before the authorities concerned. It is also made 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector of Police,
Erwadi Police Station,
Ramanathapuram, Ramanathapuram District.

+1CC to Mr.T.lajapathi Roy, Advocate, SR.No. 80018

W.P. (MD) No.17691 of 2017
and

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gk

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