



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P.(MD) No.1781 of 2017

G.Vijayapandi

... Petitioner

-vs-

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli, Tirunelveli District.

2.The Tahsildar,
Tirunelveli,
Tirunelveli District.

3.The Divisional Deputy Tahsildar,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to release the petitioners vehicle Tipper Lorry bearing Registration No.TN-01-AC-5868 within the time stipulated by this Honble Court.

For Petitioner :Mr.S.Sundara Pandian

For Respondents :Mr.K.P.Krishna Doss

Govt.Advocate.

O R D E R

The petitioner has filed this writ petition, seeking to direct the respondents to release the petitioner's vehicle, namely, Tipper Lorry bearing Registration No.TN-01-AC-5868.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that his vehicle was used for transporting sand with the valid license and the 2nd respondent, stating that permit slip was given only for transporting said, but the vehicle transported Vandal Sand, detained the same and parked in front of his office and the 3rd respondent has given an acknowledgment in proof thereof. It is submitted that the vehicle is exposed to hot sun and rain, which causes deterioration of its value; that the petitioner has given a representation to the respondents 1 and 2 on 29.01.2017 for release of his vehicle and <https://www.ecourts.gov.in/hc/services/>, there was no response on his representation. Therefore, having left with no other option, the petitioner is before this Court.



4. The contention raised by the petitioner cannot be gone into by this Court at this stage. However, considering the fact that the vehicle seized is being kept idle, which will certainly diminish the value of the same, a direction is issued to the respondents to release the said vehicle bearing Registration No.TN-01-AC-5868, seized by the second respondent on 18.01.2017, to the petitioner, subject to the following conditions:-

i) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) with the first respondent within a period of one week from the date of receipt of a copy of this order;

ii) The petitioner shall produce before the respondents relevant documents to establish the ownership of the vehicle;

iii) The respondents are directed to get the original R.C.Book from the petitioner, issue an acknowledgement in respect thereof and based on such acknowledgement, the petitioner is permitted to use the lorry for lawful transportation

iv) The petitioner shall file an undertaking affidavit that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him;

v) If the vehicle is under the custody of any Criminal Court, it is open to the petitioner to file necessary application before the said Court for release of vehicle in accordance with law;

vi) The respondents are at liberty to initiate proceeding against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceeding has to be taken, within a period of three months from the date of receipt of a copy of this order. If no action is taken against the petitioner within the said period, the amount deposited by him shall be returned to him; and

(vii) The petitioner shall abide by the orders passed by the authority concerned or the respondents.

6. 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 Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli, Tirunelveli District.

2.The Tahsildar,
Tirunelveli,
Tirunelveli District.

3.The Divisional Deputy Tahsildar,
Tirunelveli,
Tirunelveli District.

+1cc to M/s.S.SUNDARAPANDIAN, Advocate, in SR No.7049

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