



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)Nos.18456 to 18458 of 2017

K.Senthilkumar ..Petitioner in W.P.(MD)No.18456 of 2017
M.Shanthi ..Petitioner in W.P.(MD)No.18457 of 2017
M.Ravichandiran ..Petitioner in W.P.(MD)No.18458 of 2017

Vs.

1.The Revenue Divsional Officer
Revenue Divisional Office,
Paramakudi Division,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi,
Ramanathapuram District.

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

...Respondents in all petitions

Prayer in W.P.(MD) No.18456 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the seized Tipper Lorries bearing Registration Nos. TN 63 AC 7070 and TN 63 AA 3434.

Prayer in W.P.(MD) No.18457 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the seized Tipper Lorry bearing Registration No.TN 63 AD 0029.

Prayer in W.P.(MD) No.18458 of 2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the seized Tipper Lorry bearing Registration No.TN 47 W 6045.

For Petitioners : Mr.P.Athimoolapandian in all cases

<https://hcservices.courts.gov.in/> For Respondents : Mr.M.Alagathevan,
Special Government Pleader for R1 to R3
in all cases

C O M M O N O R D E R

The petitioners seek for a Writ of Mandamus directing the respondents to release their vehicles, namely, Tipper Lorries bearing Registration Nos. TN 63 AC 7070, TN 63 AA 3434, TN 63 AD 0029 and TN 47 W 6045 from the custody of the respondents.

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2. According to the petitioners, the seized vehicles were hired to transport sands, which got accumulated pursuant to the demolition of an old house and despite the explanation given by the drivers of the vehicles, the third respondent has seized the vehicles.

3. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicles were seized as the same were plied without valid papers, including registration certificate books and transport permits for transporting sand.

4. In any event, as the vehicles are under the custody of the respondents having been seized on 26.09.2017 and considering the fact that if the same are 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 vehicles can be released by imposing certain conditions on the petitioners for release of the said vehicles.

5. Accordingly, the respondents are directed to release the vehicles in question to the petitioners within a period of 7 days subject to the following conditions:

"(i) The petitioners shall produce documents before the respondents under whose custody the vehicles are kept, to establish the ownership of the vehicles in question;

(ii) The petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per vehicle before the first respondent herein;

(iii) The petitioners shall give an undertaking that they will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicles in question shall be returned to the petitioners; and

(v) The petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned.

(vi) The petitioners are also directed to participate in the enquiry to be conducted by the respondents."



6. These Writ petitions are ordered accordingly. No costs.
Sd/-
Assistant Registrar (T&P)

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Sub Assistant Registrar.

To:

- 1.The Revenue Divisional Officer
Revenue Divisional Office,
Paramakudi Division,
Ramanathapuram District.
- 2.The Tahsildar,
Paramakudi,
Ramanathapuram District.
- 3.The Inspector of Police,
Parthipanoor Police Station,
Parthipanoor,
Ramanathapuram District.

+3CC to Mr.P.Athimoolapandian, Advocate, SR.No. 81664

W.P. (MD) Nos.18456 to 18458 of 2017

rm/ar

AM/SV MMS/SAR 2/05.10.2017/3P/7C