



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.18830 of 2017

P.Bose

..Petitioner

Vs.

1.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

2.The Revenue Divsional Officer
Uthamapalayam Taluk,
Theni District.

3.The Inspector of Police,
Rayappan Patti Police Station,
Theni District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to release the TAFE LMV TRACTOR belongs to the Petitioner bearing Regn. No.TN 25W 7695 which was seized on 02.10.2017 in connection with Crime No.365 of 2017, on the file of the third respondent.

For Petitioner : Mr.C.Muthusaravanan

For Respondents : Mr.M.Alagathevan,

Special Government Pleader

O R D E R

The petitioner seek for a Writ of Mandamus directing the second respondent to release his vehicle TAFE LMV TRACTOR bearing Regn. No.TN 25W 7695, seized by the third respondent on 02.10.2017.

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

3.On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle 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 02.10.2017 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.15,000/- (Rupees Fifteen Thousand only) before the second respondent herein;

(iii) The petitioner shall give an undertaking 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; and

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned."

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

6. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To:

1. The Tahsildar,
Uthamapalayam Taluk,
Theni District.
2. The Revenue Divisional Officer
Uthamapalayam Taluk,
Theni District.
3. The Inspector of Police,
Rayappan Patti Police Station, Theni District.

+One cc to Mr.C.Muthu Saravanan, Advocate, SR.No.82050

+One cc to The Special Government Pleader, SR.No.82330

rm

RL/6c/2p/SV/MMS/SAR2/12/10/2017

W.P. (MD) No.18830 of 2017