



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.19398 of 2017

P. Duraipandian

... Petitioner

-vs-

1. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st Respondent to release the petitioner's TATA HITACHI, Model Zaxis 210 LCH Hydraulic machine Serial No:OACE-002963 seized on 26.09.2017 by the 2nd respondent by considering the petitioner's representation dated 27.09.2017.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.J.Gunaseelan Muthiah
Govt. Advocate

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the 1st Respondent to release the petitioner's TATA HITACHI, Model Zaxis 210 LCH Hydraulic machine Serial No:OACE-002963 seized on 26.09.2017 by the 2nd respondent by considering the petitioner's representation dated 27.09.2017.

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 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 26.09.2017 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 first 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 first 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 first 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 first respondent;

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

(vi) In the event of the subject vehicle being used for similar offences hereafter by the petitioner, it is for the concerned authorities to confiscate the same."

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To:

1. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

+One cc to Mr.D.Senthil, Advocate, SR.No.86151
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