



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.19728 of 2017

M.Vigneswaran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

2.The Inspector of Police,
Irukkankudi Police Station,
Irukkankudi, Virudhunagar District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned show-cause notice in Na.Ka.A2/3003/2017 dated 26.09.2017 and quash the same as illegal and consequently directing the 2nd respondent to release the Petitioners vehicle viz., Tipper Lorry bearing Registration No. TN67BA 1624 and JCB bearing Registration No. TN29 AH 9975 seized by the 2nd respondent on 20.09.2017.

For Petitioner : Ms.Kalaiyarasi Bharathi

For Respondents : Mr.M.Alaguthevan,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned notices in Na.Ka.A2/3003/2017, dated 26.09.2017 and direct the second respondent to release the Petitioner's vehicles which have been sized on 20.09.2017.

2.By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3.The learned Counsel appearing for the petitioner contended that the second respondent seized the tipper lorry and JCB from the petitioner's house on 20.09.2017, alleging that the petitioner was illegally possessing one unit of river sand and registered a false case in Cr.No.187 of 2017 wherein on 22.09.2017, it has been ordered to release the vehicles. However, the learned Counsel for the respondent in Na.Ka.A2/3003/2017, dated 26.09.2017, issued show cause notices for which explanation has also been submitted. While so, the second respondent citing the show cause



notices, has refused to release the vehicles. Hence, the petitioner is before this Court, seeking appropriate direction to the respondents.

4. 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 them to sun and rain, they would certainly lose their value, the respondents are 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) in respect of each vehicle totalling to a sum of Rs.50,000/- (Rupees Fifty Thousand Only) before the respondents;

(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 respondents 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.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer, Sattur, Virudhunagar District.

2. The Inspector of Police, Irukkankudi Police Station,

Irukkankudi, Virudhunagar District.

+1CC to Ms. P. Kalaiyarasi Bharathi, Advocate, SR.No.83866

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