



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 31.10.2017  
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P.(MD)No.19938 of 2017

C.Karthick

... Petitioner

Vs.

1.The District Collector,  
Dindigul District, Dindigul.

2.The Sub Collector (Incharge)  
Revenue Divisional Officer,  
Dindigul Division, Dindigul.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to release the tipper lorry bearing Registration No. TN 57 BB 9446 which was seized on 28.9.2017 and hand over the same to the Petitioner within the time frame that may be stipulated by this Court.

For Petitioner : Mr.R.R.Kannnan  
For Respondents : Mr.M.Alaguthevan,  
Special Government Pleader

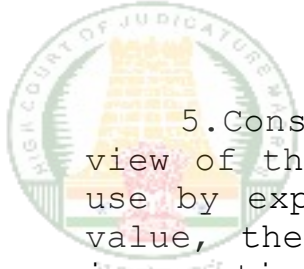
ORDER

This Writ Petition has been filed seeking to direct the respondents to release the tipper lorry which was seized on 28.9.2017 and hand over the same to the Petitioner within the time frame.

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 would submit that the second respondent has seized the petitioner's tipper lorry bearing registration No.TN57 BB 9446 on 28.09.2017, which is now under the custody of the second respondent. So the petitioner on 03.10.2017 sent a representation requesting to release the petitioner's vehicle, however, which is kept pending. Therefore, the petitioner has filed this writ petition seeking a direction to the second respondent to release the vehicle.

4.The learned Special Government Pleader appearing for the respondents would submit that the vehicle was found in possession of the second respondent without any valid permit and a case has also been registered in Crime No.288 of 2017.



5. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to sun and rain, it would certainly lose its value, the second respondent is directed to release the vehicle in question to the petitioner on the following conditions:

"(i) The petitioner shall produce necessary documents before the second respondent to establish and to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the second respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he will not indulge in such activities in future;

(iv) The vehicle shall be produced to the respondents as and when required."

6. After fulfilling all the four conditions, the second respondent shall release the vehicle in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicle 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(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Dindigul District, Dindigul.
2. The Sub Collector (Incharge)  
Revenue Divisional Officer,  
Dindigul Division, Dindigul.

+1cc to Special Government Pleader, SR.No. 84808

+1cc to M/S.R.R.Kannan, Advocate SR.No. 84287

W.P. (MD) No.19938 of 2017

31.10.2017