

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 31.10.2017****CORAM****THE HONOURABLE MR. JUSTICE R. MAHADEVAN****W.P. (MD) No. 19996 of 2017****WEB COPY**

Periyasami

... Petitioner

Vs.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to release the petitioner's Lorry bearing Registration No. TN 69 T 3116 Chassis No. CPE615313, Engine No. CPH448507, Comot Tipper seized on 30.09.2017 by the 2nd respondent by considering the petitioner's representation dated 25.10.2017 within the time limit stipulated by this Court.

For Petitioner : Mr. M. Jagadeesh Pandian
For Respondents : Mr. J. Gunaseelan Muthiah
Government Advocate

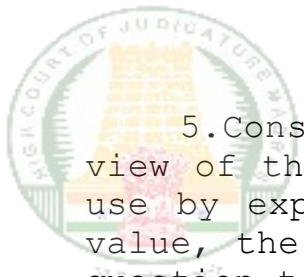
ORDER

This Writ Petition has been filed seeking to direct the first respondent to release the petitioner's Lorry bearing Registration No. TN 69 T 3116 seized on 30.09.2017 by the second respondent.

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 lorry bearing registration No. TN 69 T 3116 on 30.09.2017, which is now under the custody of the second respondent. So the petitioner on 25.10.2017 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 Government Advocate appearing for the respondents would submit that the vehicle was found in possession of river sand without any valid permit and a case has also been registered in Crime No. 348 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 first respondent is directed to release the vehicle in question to the petitioner on the following conditions:

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"(i) The petitioner shall produce necessary documents before the respondents 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 respondents;

(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 respondents 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(crl side)

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to Mr.M.Jagadeesh Pandian, Advocate Sr.No.84691

+1cc to Spl.Government Pleader Sr.No.85036

DSK

VB/MR/KKR/SAR1/09/11/2017/2P/5C