



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.20261 of 2017

G.Mathikumar

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

2. The Sub Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to release the petitioner's vehicle Mahendra Road King Mini Lorry in the year 2015 and the same registered in the registration office and the Registration No.TN-69-AR-2394 expeditiously and to pass such further or other orders as this Hon'ble court.

For Petitioner : Mr.A.D.Ganesha Moorthi
For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents to release the petitioner's vehicle, viz., Mahendra Road King Mini Lorry bearing Registration No.TN-69-AR-2394 seized by the second respondent on 04.10.2017.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents. By consent, this writ petition itself is taken up for final disposal.

3. The learned counsel for the petitioner has submitted that though the petitioner has plied the said vehicle with all valid documents, the second respondent has seized the same, as if they were illegally transporting sand.

4. On the other hand, the learned Government Advocate stoutly refuted the contentions of the learned Counsel for the petitioner, but he fairly submitted that the vehicle of the petitioner may be released, but stringent conditions may be imposed for stopping such occurrence, in future.



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 respondents are directed to release the vehicle 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 vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with the first 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 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 (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

2. The Sub Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 85349

+ 1 CC TO Mr.A.D.GANESHA MOORTHY, ADVOCATE IN SR No. 85150

GK

TE/SKN-BSK/SAR-I : 10/11/2017 : 2P/5C

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