



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) Nos.20555 to 20558 of 2017

K.Vairava Kesu

...Petitioner in W.P(MD)Nos.20555 & 20556 of 2017

K.Sathaiah

...Petitioner in W.P(MD) Nos.20557 of 2017

A.Mohammed Hussain

... Petitioner in W.P(MD) Nos.20558 of 2017

Vs.

1.The Revenue Divisional Officer
Ramanathapuram.

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

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

... Respondents in all
writ petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to release the petitioners' Tractor and Trailer bearing Registration Nos. TN - 65-AE-3927 & TN - 65-AD-1795, TN65-AD1769, TN-65-P-5025 & TN65-P-5053, TN-65-T-2329 & TN-65-T-2331 respectively seized on 31.10.2017 by the second respondent to the petitioners.

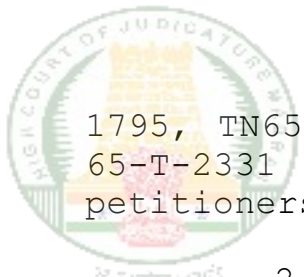
In all cases

For Petitioners : Mr.T.Lenin Kumar

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate

C O M M O N O R D E R

<https://hcservices.ecourts.gov.in/cases/petitions>
The petitioners seek for a Writ of Mandamus directing the first respondent to release their vehicles, namely, Tractor and Trailer bearing Registration Nos. TN - 65-AE-3927 & TN - 65-AD-



1795, TN65-AD1769, TN-65-P-5025 & TN65-P-5053, TN-65-T-2329 & TN-65-T-2331 seized on 31.10.2017 by the second respondent to the petitioners.

2. According to the petitioners, even though the petitioners have plied the said vehicles with all relevant documents, the second respondents has seized the vehicles.

3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicles were seized as the same were plied without valid papers, including registration certificate books and transport permits for transporting sand.

4. In any event, as the vehicles are under the custody of the respondents having been seized on 31.10.2017 and considering the fact that if the same are 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 vehicles can be released by imposing certain conditions on the petitioners for release of the said vehicles.

5. Accordingly, the first respondent is directed to release the vehicles in question to the petitioners within a period of 7 days subject to the following conditions:

"(i) The petitioners shall produce documents before the respondents under whose custody the vehicles are kept, to establish the ownership of the vehicles in question;

(ii) The petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) per vehicle before the first respondent herein;

(iii) The petitioners shall give an undertaking that they will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicles in question shall be returned to the petitioners; and

(v) The petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned.

(vi) The petitioners are also directed to assist in the enquiry to be conducted by the respondents."



6. These Writ petitions are ordered accordingly. No costs.

Sd/-

Assistant Registrar (RTI)

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Sub Assistant Registrar.

To:

1.The Revenue Divisional Officer
Ramanathapuram.

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

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

+4CC to Mr.T.Lenin Kumar, Advocate, SR.No. 85795 to 85798

W.P. (MD) Nos.20555 to 20558 of 2017

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