

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 20.11.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD)No.21290 of 2017

J.Rajkumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Alwarthirunagari 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 to release the petitioner's Vehicle, TATA Motor 407 Tipper Lorry bearing Registration No. TN-69-U-1739 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.A.S.Vaigunth
For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

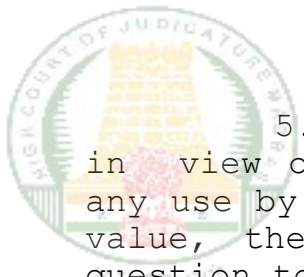
ORDER

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

2. Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader takes notice for the respondents.

3. The case of the petitioner is that though he plied his vehicle with all valid documents, the second respondent has seized his vehicle, as if they were illegally transporting sand. Aggrieved by this action of the authorities, the petitioner is before this Court, seeking a direction to release his vehicle, namely TATA Motor 407 Tipper Lorry, bearing Reg.No.TN-69-U-1739.

4. On the other hand, the learned Additional Government Pleader 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) On doing so, the vehicle in question shall be returned to the petitioner; and

(v)The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned."

6. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 88665

+1cc to Mr.A.S.VAIGUNTH Advocate in SR. No. 88018

GK

JS/JC/SAR.1/23.11.2017/2P-5C

W.P. (MD) No.21290 of 2017
20.11.2017