



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.21365 of 2017

K.Selvaraj

... Petitioner

-vs-

1. The Revenue Divisional Officer cum
Sub Collector, Thoothukudi.
2. The Assistant Director,
Geology and Mining,
Thoothukudi District.
3. The Sub Inspector of Police,
Thermal Power 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 petitioners Tipper Lorry bearing registration No.TN-75-X-1789.

For Petitioner : Mr.M.Gnanagurunathan
For Respondents : Mr.M.Alagathevan
Special Government Pleader

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the respondents to release the Tipper lorry bearing registration No.TN-75-X-1789.

2.The learned counsel appearing for the petitioner submitted that the second respondent, without issuing any notice, has seized the petitioner's vehicle bearing registration No.TN-75-X-1789 and now the vehicle is under the custody of the third respondent.

3.The learned Special Government Pleader appearing for the respondents submitted that the vehicle in question was seized as 'overloaded' with rough stones.

4.In any event, as the vehicle is under the custody of the third respondent, having been seized on 24.10.2017 and considering the fact that if the same is 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 vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.

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

"(i) The petitioner shall produce documents before the third respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) before the first respondent;

(iii) The petitioner shall give an undertaking to the third respondent that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicle in question shall be returned to the petitioner by the third respondent; 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 (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer cum Sub Collector, Thoothukudi.
2. The Assistant Director, Geology and Mining, Thoothukudi District.
3. The Sub Inspector of Police, Thermal Power Police Station, Thoothukudi District.

+ 1 CC TO Mr.M.GNANAGURUNATHAN, ADVOCATE IN SR No. 88266

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89090

MJ

<https://hcservices.ecourts.gov.in/hcservices/>

LE/SKN-RSK/SAR-2 : 28/11/2017 : 2P/6C

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