



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2017
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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.21622 of 2017

S.Rajamani

... Petitioner

-VS-

1. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the lorry of the petitioner bearing its registration No.TN32 AW 9684, Chassis No.MBIA3DYC4DPAH0462, Engine No.DAHZ404471, Ashok Leyland Lorry, within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Vinoth

For Respondents : Mr.J.Gunaseelan Muthiah
Govt. Advocate**O R D E R**

The petitioner seeks for a Writ of Mandamus, directing the respondent to release the lorry of the petitioner bearing its registration No.TN32 AW 9684, Chassis No.MBIA3DYC4DPAH0462, Engine No.DAHZ404471, Ashok Leyland Lorry, within the time stipulated by this Hon'ble Court.

2. According to the petitioner, even though the petitioner has filed the said vehicle with all relevant documents, the respondents have seized the vehicle.



3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicle was seized as it was plying without valid papers including registration certificate book and transport permit for transporting sand.

4. In any event, as the vehicle is under the custody of the first respondent, having been seized on 15.11.2017 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 first respondent is directed to release the vehicle in question to the petitioner within a period of 7 days, subject to the following conditions:

"(i)The petitioner shall produce documents before the first 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 first 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 first respondent;



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

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

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
2. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

+1cc to Mr.R.VINOTH, Advocate SR.No.89243.
+1cc to Special Government Pleader in SR.No.89648.

W.P. (MD) No.21622 of 2017
24.11.2017

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SDS/SKN:RSK/SAR 2/27.11.2017/3P/5C