

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

DATED : 28.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.21892 of 2017

R.Mahendiran

... Petitioner

Vs.

1. The District Collector,
District Collectorate,
Dindigul District.
2. The District Supply Officer,
O/o. District Collectorate Complex,
Trichy District.
3. The Inspector of Police,
Civil Supplies C.I.D.,
Trichy District.
4. The District Revenue Officer,
Trichy.
[R.4 is *suo-motu* impleaded vide
order dated 28.11.2017]

... 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 Moped TVS XL super bearing registration No.TN-45-BK-1162 which was seized on 05.09.2017 by the respondent No.3 to the petitioner.

For Petitioner : Mr.M.M.Iqbal

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.

<https://hcservices.ecourts.gov.in/hcservices/>
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 used to carry his rice bag along with his neighbours, from the ration shop to his house, on 05.09.2017, using his Moped TVS XL Super vehicle, the third respondent Police, seized his vehicle, as if he was illegally transporting rice bags from ration shop. Aggrieved by this action of the authorities, the petitioner is before this Court, seeking a direction to release his vehicle, bearing Registration No.TN-45-BK-1162.

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. He further submitted that the competent authority in this subject matter is the District Revenue Officer, Trichy, who has not been arrayed as party respondent in this writ petition.

5. In view of the above, District Revenue Officer, Trichy, is *suo-motu* impleaded as fourth respondent in this petition.

6. 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.5,000/- (Rupees Five Thousand only), with the fourth 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-II)

/True Copy/



To

1. The District Collector,
District Collectorate,
Dindigul District.
2. The District Supply Officer,
O/o. District Collectorate Complex,
Trichy District.
3. The Inspector of Police,
Civil Supplies C.I.D., Trichy District.
4. The District Revenue Officer,
Trichy.

+ 1 cc TO Mr.M.M.Iqbal , Advocate in SR No. 89923
+ 1 cc TO The Special Government Pleader in SR No. 90245

gk

AE/SV MMS/SAR4/18.12.2017/3P/7C

W.P. (MD) No.21892 of 2017
28.11.2017