

**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.21903 of 2017

Senthil Kumar

... Petitioner

Vs.

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

2. The Special Tahsildar [ADW],  
Sivagangai,  
Sivagangai District.

3. The Inspector of Police,  
Keelasevalpatty 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 1<sup>st</sup> respondent to release the vehicles bearing Registration Nos.TN-41-Q-3827 & TN-29-AM-1950 based on the representation given by the petitioner dated 21.11.2017 within the time stipulated by this Court.

For Petitioner : Mr.S.MP.Amalan

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

\*\*\*\*\*

**ORDER**

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

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents.

3. The case of the petitioner is that though he plied his vehicles with all valid documents, the second respondent, on 19.11.2017, seized his vehicles, as if he was transporting red soil illegally. Aggrieved by this action of the authorities, the



petitioner is before this Court, seeking a direction to release his vehicles, bearing Registration Nos.TN-41-Q-3827 & TN-29-AM-1950.

4. On the other hand, the learned Government Advocate stoutly refuted the contentions of the learned Counsel for the petitioner, but he fairly submitted that the vehicles 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 vehicles in question are kept without any use by exposing it to sun and rain, it would certainly lose its value, the respondents are directed to release the vehicles 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 vehicles in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicles or any other vehicle for any illegal activities and also he will not indulge in such activities in future;

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

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

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

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

2. The Special Tahsildar [ADW],  
Sivagangai District.



3. The Inspector of Police,  
Keelasevalpatty Police Station,  
Sivagangai District.

+ 1 cc TO Mr.M.S.Jeyakarthik , Advocate in SR No. 89824  
+ 1 cc TO The Special Government Pleader in SR No. 90238

gk

AE/SV MMS/SAR2/08.12.2017/3P/6C

**W.P. (MD) No.21903 of 2017**  
**28.11.2017**