

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

DATED : 06.12.2017

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WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 22304 of 2017

Hari Krishnan

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional officer,
Paramakudi,
Ramanathapuram District.
3. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue, a writ of Mandamus to direct the 2nd respondent to release the petitioner's vehicle of Tata Tipper Lorry, bearing registration No. TN 74 H 0344 from the custody of the 3rd respondent's police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 30.11.2017 within the time limit that may be stipulated by this Court.

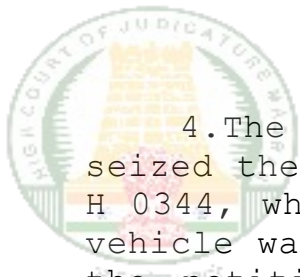
For Petitioner : Mr. Jeyakarthik

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

This writ petition has been filed, seeking a writ of Mandamus to direct the 2nd respondent to release the petitioner's vehicle of Tata Tipper Lorry, bearing registration No. TN 74 H 0344 from the custody of the 3rd respondent's police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 30.11.2017 within the time limit that may be stipulated by this Court.

2. Heard both sides.

<https://hcservices.courts.gov.in/hcservices/>
3. By consent, this writ petition is taken up for final disposal, at the stage of admission itself.



4. The case of the petitioner is that the third respondent has seized the petitioner's Tipper lorry bearing Registration No. Tn 74 H 0344, which was parked in front of his house, alleging that the vehicle was used for illegal transportation of Savudu Sand. Hence, the petitioner made representations to the third respondent to release his vehicle, but, till date the vehicle has not been released. Hence, the petitioner is before this Court.

5. On the other hand, the learned Government Advocate stoutly refuted the contentions of the learned Counsel for the petitioner, and fairly submitted that the vehicle of the petitioner may be released with stringent conditions, to put an end to such occurrences, in future.

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.25,000/- (Rupees Twenty Five Thousand only), with the second 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."

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.



2. The Revenue Divisional officer,
Paramakudi,
Ramanathapuram District.

3. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

+1cc to Mr.M.S.Jeyakarthik, Advocate Sr.No.91491

VB/SKN/RSK/SAR1/07/12/2017/3P/5C

W.P. (MD) No.22304 of 2017
06.12.2017