

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

DATED : 06.12.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.22321 of 2017

M.Vanathi

... Petitioner

Vs.

1. The Sub Collector,
Sub Collector Office,
Tuticorin,
Tuticorin District.
2. The Inspector of Police,
Puthukudi Police Station,
Sri Vaigundam Taluk,
Tuticorin District.
3. The Tahsildar,
Tahsildar Office,
Sri Vaigundam,
Tuticorin 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 petitioners vehicle lorry bearing Registration No.TN 48 AE 6699, within a time frame that may be fixed by this Court.

For Petitioner : Mr.M.Muniasamy,
For Respondents : Mr.M.Alagathevan
Special Government Pleader

ORDER

This writ petition has been filed, seeking a Writ of Mandamus directing the respondents to release petitioners vehicle lorry bearing Registration No.TN 48 AE 6699, within a time frame that may be fixed by this Court.

2.Heard both sides.

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 petitioner has let her lorry bearing Registration No. TN 48 AE 6699 for hire to a third person and while he was transporting the polluted soil from a pond, the third respondent has seized the vehicle, as if it was used for illegal transportation of sand and now the vehicle is under the custody of the third respondent. The petitioner's representation to release the vehicle has not been considered, hence, the petitioner is before this Court.

5. On the other hand, the learned Special Government Pleader 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 third respondent;

(iii) The petitioner shall give an undertaking that she 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 Sub Collector,

<https://hcservices.southcourts.gov.in/hcservices/> Office,

Tuticorin, Tuticorin District.



2. The Inspector of Police,
Puthukudi Police Station,
Sri Vaigundam Taluk,
Tuticorin District.

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3. The Tahsildar,
Tahsildar Office,
Sri Vaigundam,
Tuticorin District.

+1cc to Mr.M.Muniasamy, Advocate Sr.No.91270

DSK

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

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