



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.22405 of 2017

WEB COPY

Augustin

... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

4.The Inspector of Police,
Arimalam Police Station,
Pududkkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to release the Lorry bearing Registration No.TN 55 AP 0923 seized by the 3rd respondent on 16.11.2017 to the petitioner.

For Petitioner : Mr.A.V.Rajasekaran
For Respondents : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

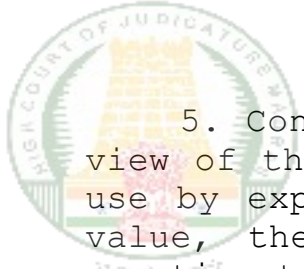
ORDER

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

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 plied his vehicle with all valid documents, the third respondent seized his vehicle, as if he was transporting Gravel, without any permit. Aggrieved by this action of the authorities, the petitioner is before this Court, seeking a direction to release his vehicle, namely, Lorry, bearing Registration No.TN-55-AP-0923.

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.



5. 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 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(AS)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

4.The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.

+1cc to M/S.A.V.Rajasekaran, Advocate SR.No. 91321

ORDER MADE IN
W.P (MD) No.22405 of 2017
07.12.2017