



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.22467 of 2017

M.Ravichandran

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi Taluk,
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 praying for issuance of a Writ of Mandamus, to direct the second respondent to release the petitioner's vehicle of Lorry, bearing registration No.TN 65 Y 0993 from the custody of the third respondent police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 05.12.2017 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.J.Gunaseelan Muthaiah
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 vehicle with all valid documents, the third respondent, on 19.11.2017, seized his vehicle, as if he was illegally transporting sand. 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-65-Y-0993, by considering his representation dated 05.12.2017.

1. 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 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 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."

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

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

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

+1cc to Mr. M. S. JEYAKARTHIK, Advocate, SR. 91489

+1cc to M/S. Special Government Pleader, SR. 91945

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07.12.2017

GK

KK/SKN RSK/SAR 1/12.12.2017/ 2P- 6C/