



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.22678 of 2017

Muthupandi.S

... Petitioner

Vs.

1.The Sub Collector,
Sub Collector Office,
Srivaikundam, Thoothukudi District.

2.The Thasildar,
Taluk Office, Srivaikundam,
Thoothukudi District.

3.The Inspector of Police,
Murappanadu Police Station,
Murappanadu, Thoothukudi 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 vehicle namely TATA SFC 407/31 Registration No. TN-69-H-2589 Engine No.497 SPTC 31 CWZ 869670 Chassis No. 357127 CWZZ805953 to the petitioner within stipulated time and to grant such other or further relief as this Hon'ble Court.

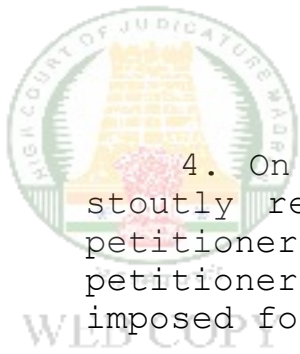
For Petitioner	: Mr.S.Sivasubramanian
For Respondents	: Mr.M.Alagathevan Special Government Pleader

ORDER

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

2. Mr.M.Alagathevan, learned Special 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 second respondent seized his vehicle, as if he was transporting 1 ½ units of sand, without any permit. It is his specific case that despite several representations, the authorities are not considering his request for release of his vehicle and aggrieved thereby, the petitioner is before this Court, seeking a direction to release his vehicle, namely, TATA SFC 407/31, bearing Registration No.TN-69-H-2589.



4. On the other hand, the learned Special 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 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(RTI)

/True Copy/

Sub Assistant Registrar.

To

1.The Sub Collector,Sub Collector Office,
Srivaikundam, Thoothukudi District.

2.The Thasildar,Taluk Office, Srivaikundam,
Thoothukudi District.

3.The Inspector of Police,Murappanadu Police Station,
Muruppanadu, Thoothukudi District.

+1CC to Mr.S.Sivasubramanian, Advocate, SR.No. 92284

+1CC to the Special Government Pleader SR.No.92487

ORDER MADE IN
W.P (MD) No.22678 of 2017
12.12.2017