



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.22764 of 2017

R.Shanthi

... Petitioner

-vs-

1.The Reveue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
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 65 AX 1206 from the custody of the 3rd respondent police and to hand over the above vehicle to the petitioner by considering the petitioner's representation dated 09.12.2017 within the time limit that may be stipulated by this court.

For Petitioner : Mr.M.S.Jeyakarthish

For Respondents : Mr.M.Alagathevan

Special Government Pleader

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the second respondent to release the vehicle viz., Tata Tipper Lorry bearing registration No.TN 65 AX 1206 from the custody of the third respondent and hand over the same to the petitioner by considering her representation dated 09.12.2017.

2.The learned counsel appearing for the petitioner submitted that the vehicle in question has not been used for any illegal transportation. But, the third respondent has erroneously seized the vehicle on 09.12.2017 and now, the same is under his custody.



3. The learned Special Government Pleader appearing for the respondents submitted that the vehicle in question was found in possession of river sand without any valid permit and hence, it was seized.

4. In any event, as the vehicle is under the custody of the third respondent, having been seized on 09.12.2017 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.

5. Accordingly, the respondents are directed to release the vehicle in question within a period of 7 days, subject to the following conditions:

"(i) The petitioner shall produce documents before the respondents to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) before the first respondent;

(iii) The petitioner shall give an undertaking to the respondents that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicle in question shall be returned to the petitioner by the third respondent; 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 (CO)

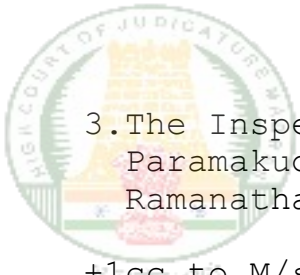
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Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2. The Tahsildar,
Paramakudi,
Ramanathapuram District.



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

+1cc to M/s. M.S.JEYAKARTHIK Advocate in SR. No. 92254

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 92481

MJ

JS/JC/SAR.1/14.12.2017/3P-6C

W.P. (MD) No.22764 of 2017
12.12.2017