



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P.(MD) Nos.22803 and 22804 of 2017

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| 1. Ramasamy | ... Petitioner in W.P.(MD) No.22803/2017 |
| 2. R.Soba | ... Petitioner in W.P.(MD) No.22804/2017 |

-vs-

- | | |
|---|-----------------|
| 1. The Revenue Divisional Officer,
Aranthangi Post & Taluk,
Pudukkottai District. | |
| 2. The Inspector of Police,
Aavudaiyarkovil Post & Taluk,
Pudukkottai District. | ... Respondents |

Prayer in W.P.(MD) No.22803/2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the petitioner's Tractor bearing Reg.No.TN-55-P-9246 on the basis of the petitioner's representation dated 28.10.2017 at once.

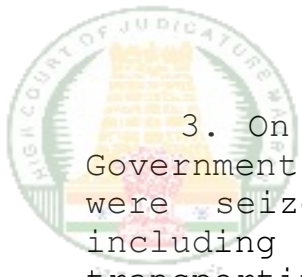
Prayer in W.P.(MD) No.22804/2017: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the petitioner's Tractor bearing Chassis No.PY5045 DKHAo42819 and Engine No.PY3029D431606, on the basis of the petitioner's representation dated 28.10.2017 at once.

For Petitioners : Mr.N.Balakrishnan
For Respondents : Mr.M.Alagathevan
Spl. Govt. Pleader

C O M M O N O R D E R

The petitioners seek for a Writ of Mandamus, directing the respondent to release the respective Tractors bearing Reg.No.TN-55-P-9246 (W.P.(MD) No.22803/2017) and Chassis No.PY5045 DKHAo42819 and Engine No.PY3029D431606 (W.P.(MD) No.22804/2017) on the basis of the petitioners' representations dated 28.10.2017.

2. According to the petitioners, even though the petitioners have plied the said vehicles with all relevant documents, the respondents have seized the vehicles. It is further submitted that the respondents had antecedents committed by the petitioners with the use of the very same vehicles.



3. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicles were seized, as the same were plied without valid papers, including registration certificate book and transport permit for transporting sand.

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4. In any event, as the vehicles are under the custody of the first respondent, having been seized on 26.10.2017 and considering the fact that if the same are 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 vehicles can be released by imposing conditions on the petitioners for release of the said vehicles.

5. Accordingly, the first respondent is directed to release the vehicles in question to the petitioners within a period of seven days, subject to the following conditions:

"(i) The petitioners shall produce documents before the first respondent to establish the ownership of the vehicles in question;

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

(iii) The petitioners shall give an undertaking to the first respondent that they will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicles in question shall be returned to the petitioners by the first respondent;

(v) The petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned."

6. These Writ petitions are ordered accordingly. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To:

1. The Revenue Divisional Officer, Aranthangi Post & Taluk, Pudukkottai District.

2. The Inspector of Police, Aavudaiyarkovil Post & Taluk, Pudukkottai District.

W.P. (MD) Nos.22803 and 22804 of 2017

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