



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.22850 of 2017

A.Vellaichamy .. Petitioner
Vs.

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

2.The Sub-Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to release the petitioner's Lorry bearing Registration No.TN-55-S-5605 seized, on 10.12.2017 by the second respondent, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.T.S.Mohammed 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.Mohammed 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, on 10.12.2017, 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.No.TN-55-S-5605 , by considering his representation, dated 11.12.2017.

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 first 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(C.O.)

/True Copy/

Sub Assistant Registrar.

To

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

2. The Sub-Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.

+1CC to Mr.T.Lenin Kumar, Advocate, SR.No. 92561

ORDER MADE IN
W.P(MD) No.22850 of 2017
13.12.2017

smn

AM/SV MMS/SAR 4/14.12.2017/2P/4C