



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.22912 of 2017

and

W.M.P (MD) No.19215 of 2017

Balachandran

... Petitioner

Vs.

The Tahsildar,
Thiruverumbur Taluk,
Thiruverumbur,
Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Lorry bearing Registration No. TDA-5589 within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner
For Respondent

: Mr.S.Karthick Subramanian
: 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 respondent.

3. The petitioner seeks a Writ of Mandamus directing the respondent to release his Lorry, bearing No. TDA-5589, which was seized on 05.12.2017 by the authorities, by considering his representation dated 05.12.2017. It is the specific case of the petitioner that though he plied his vehicle with all relevant documents, the respondent has seized the same.

4. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondent that the vehicle was seized as it was plying without valid papers including registration certificate book.



5. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

6. In any event, as the vehicle is under the custody of the respondent, having been seized on 05.12.2017 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 authorities, this Court is of the view that the vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.

7. Accordingly, the respondent is directed to release the vehicle in question to the petitioner, within a period of 7 days, subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the respondent 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 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."

8. This Writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar

To

The Tahsildar,
Thiruverumbur Taluk, Thiruverumbur,
Trichy District.

+One cc to Mr.S.Karthik Subramanian, Advocate, SR.No.92868

gk

RL/3C/2P/SV/MMS/SAR1/15/12/2017