



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.22926 of 2017

V.Naveen

... Petitioner

Vs.

1.The District Collector
Sivagangai District,
District Collectorate,
Sivagangai.

2.The Sub Collector
Devakottai,
Office of the Sub Collector
Devakottai.

3.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi.

4.Sivasamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to release the petitioner's Tipper Lorries bearing Registration Nos. TN 47 AJ 8534; TN 47 AJ 8455 and TN 47 AJ 8574 in pursuant to the First Information Report registered in Cr.No.619/2017 of Karaikudi North Police Station, Sivagangai District.

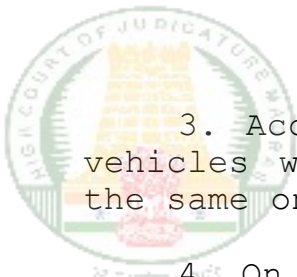
For Petitioner : Mr.M.P.Dhamodaran

For Respondents 1 to 3 : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

ORDER

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

2. The petitioner seeks a Writ of Mandamus directing the second respondent to release his Tipper Lorries bearing Registration Nos. TN-47-AJ-8534; TN-47-AJ-8455 and TN-47-AJ-8574, seized by the third respondent on 06.11.2017.



3. According to the petitioner, even though he plied the said vehicles with all relevant documents, the third respondent seized the same on 06.11.2017.

4. On the other hand, it is submitted by the learned Additional Government Pleader that the vehicles were seized as it were plying without valid papers including registration certificate books and transport permits for transporting sand.

5. Heard the learned Counsel for the petitioner and Mr.T.S.Mohamed Mohideen, learned Additional Government Pleader, who takes notice for the respondents 1 to 3. Notice to the fourth respondent is dispensed with.

6. In any event, as the vehicles are under the custody of the authorities, having been seized on 06.11.2017 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 may be released by imposing conditions on the petitioner for release of the said vehicles.

7. Accordingly, the respondents are directed to release the vehicles 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 respondents to establish the ownership of the vehicles in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, before the second respondent;

(iii) The petitioner shall give an undertaking that he 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 petitioner;

(v) The petitioner shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

8. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (CSIII)

/True Copy/



To

1.The District Collector
Sivagangai District,
District Collectorate,
Sivagangai.

2.The Sub Collector
Devakottai,
Office of the Sub Collector
Devakottai.

3.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi

+One cc to M/s.M.P.Dhamodaran, Advocate, SR.No.92680

gk

RL/5C/3P/SV/MMS/SAR1/15/12/2017

W.P. (MD) No.22926 of 2017

14/12/2017