



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.23049 of 2017

A.Pandi

... Petitioner

Vs.

1. The District Revenue Officer,
Madurai.

2. The Inspector of Police,
C.S.CID,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent herein to release the Ashok Leyland Lorry bearing Registration No.TN-39-9119, seized by the second respondent herein on 30.10.2017.

For Petitioner : Mr.P.Anbunidhi
For Respondents : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus directing the first respondent to release petitioner's Ashok Leyland Lorry bearing Registration No.TN-39-9119, seized by the second respondent on 30.10.2017.

2. According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the second respondent seized the vehicle on 30.10.2017.

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle was seized as it was plying without valid papers including registration certificate book and transport permit for transporting the goods from the godown of Tamil Nadu Civil Supplies Corporation to the fair price shops in and around Madurai.

4. In any event, as the vehicle is under the custody of the second respondent, having been seized on 30.10.2017 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 first 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 documents before the first respondent 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 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; and

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

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

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

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Madurai.

2. The Inspector of Police,
C.S.CID, Madurai.

+ 1 CC TO Mr.P.ANBUNIDHI, ADVOCATE IN SR No. 93909

RM

TE/SV-MMS/SAR-3 : 21/12/2017 : 2P/4C

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