



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.23064 of 2017

M.Thennarasu

... Petitioner

Vs.

1.The District Collector
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer
Aruppukkottai Division,
Aruppukkottai.

3.The Tahsildhar
Thiruchuzhi Taluk,
Virudhunagar District.

4.The Inspector of Police
Thiruchuzhi Police Station,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to release the interim custody of the petitioner's vehicle namely, JCB bearing Registration No.TN.67-BY-7702 till the pendency of the appeal preferred by the petitioner dated 08.12.2017 against the order passed by the second respondent in Na.Ka.No.A2/7346/2017 dated 10.11.2017.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus directing the first respondent to release the interim custody of the petitioner's vehicle namely, JCB bearing Registration No.TN.67-BY-7702 till the pendency of the appeal preferred by the petitioner dated 08.12.2017 against the order passed by the second respondent in Na.Ka.No.A2/7346/2017 dated 10.11.2017.



2. According to the petitioner, without any authority, the respondents 2 and 3 along with some Revenue Officials, seized his vehicle on 01.11.2017, which was parked in his brother-in-law's farm.

3. On the other hand, it is submitted by the learned Special 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 sand. He strongly objected to release the vehicle, as the petitioner was already involved in such type of offence more than three times. However, he fairly submitted that the vehicle may be released with huge fine amount, so as to stop such occurrence in future.

4. In any event, as the vehicle is under the custody of the respondents, having been seized on 01.11.2017 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. Under such circumstances, without causing prejudice to the appeal pending before the first respondent, the respondents are 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 respondents to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the second 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."

<https://hcservices.ecourts.gov.in/hcservices/> 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(T&P)

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/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer
Aruppukkottai Division,
Aruppukkottai.
- 3.The Tahsildhar
Thiruchuzhi Taluk,
Virudhunagar District.
- 4.The Inspector of Police
Thiruchuzhi Police Station,
Virudhunagar District.

+1CC TO M/S.Mr.A.BALAJI, ADVOCATE, SR NO.93890

W.P. (MD) No.23064 of 2017
20.12.2017

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MS/SV-MMS/SAR.3/21.12.2017/3P.6C