

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 15.12.2017
CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) No.23155 of 2017**

A.Suresh

... Petitioner

Vs.

1.The District Collector
Pudukkottai,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

4.The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the Lorry bearing Registration No. TN 75 B 1201 seized by the 3rd respondent on 11.12.2017 to the petitioner.

For Petitioner	: Mr.A.V.Rajasekaran
For Respondents	: Mr.J.Gunaseelan Muthiah, 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 respondents to release his Lorry bearing Registration No.TN-75-B-1201 seized by the third respondent.



3. According to the petitioner, even though he plied the said vehicle with all relevant documents, the third respondent seized the same on 11.12.2017.

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

5. Heard the learned Counsel for the petitioner and Mr.J.Gunaseelan Muthiah, learned Government Advocate, who takes notice for the respondents.

6. In any event, as the vehicle is under the custody of the authorities, having been seized on 11.12.2017 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 respondents, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

7. Accordingly, 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 necessary documents before the respondents 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 third 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;

(v) The petitioner shall not alienate the vehicle 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 (CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector
Pudukkottai,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

4.The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.

+1cc to M/S.A.V.RAJASEKARAN, Advocate SR.No.92962.

+1cc to Special Government Pleader in SR.No.93370.

W.P. (MD) No.23155 of 2017
15.12.2017

gk

SDS/SV:MMS/SAR 4/18.12.2017/3P/7C