



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.23222 of 2017

A.Subramanian

... 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,
Vadakadu 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-21-L-3570 seized by the 3rd respondent on 08.12.2017 to the petitioner.

For Petitioner : Mr.A.V.Rajasekaran

For Respondents : Mr.T.S.Mohamed Mohideen

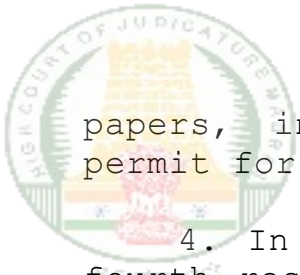
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents to release the Lorry bearing Registration No.TN-21-L-3570 seized by the 3rd respondent on 08.12.2017 to the petitioner.

2. According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the respondents have seized the vehicle. It is further submitted that there was no bad antecedent committed by the petitioner with the use of the very same vehicle.

3. On the other hand, it is submitted by the learned Government Pleader appearing for the respondents that the vehicle was seized, as the same was plied without valid



papers, including registration certificate book and transport permit for transporting stones (Koolangal).

4. In any event, as the vehicle is under the custody of the fourth respondent, having been seized on 08.12.2017 by the third respondent 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 respondents, more particularly R3, are directed to release the vehicle in question to the petitioner within a period of seven days, subject to the following conditions:

"(i) The petitioner shall produce documents before the third 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 third respondent;

(iii) The petitioner shall give an undertaking to the third respondent 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 by the respondents;

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

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

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The District Revenue Officer,
Pudukkottai District.



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

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

+1cc to M/s.A.V.Rajasekaran, Advocate, in SR No.93410

+1cc to Special Government Pleader in SR.No.93738

W.P. (MD) No.23222 of 2017
18.12.2017

ar

MKV-SV-MMS-SAR 1/19.12.2017/3P-7C