

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 19.12.2017****CORAM****THE HONOURABLE MR.JUSTICE R.MAHADEVAN****W.P. (MD) No.23384 of 2017**

R.Nagendran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st respondent to release petitioner's lorry bearing Registration No.TN 50 H-6328, Chassis No.MB1G3DJC1ARPC2553, Engine No.PAH635820, Comot Tipper seized on 04.12.2017 by the 2nd respondent by considering the petitioner's representation dated on 12.12.2017 within a time stipulated by this Court.

For Petitioner : Mr.R.Vinoth

For Respondents1 & 2 : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader**ORDER**

This writ petition has been filed, seeking writ of Mandamus directing the 1st respondent to release petitioner's lorry bearing Registration No.TN 50 H-6328, Chassis No.MB1G3DJC1ARPC2553, Engine No.PAH635820, Comot Tipper seized on 04.12.2017 by the 2nd respondent by considering the petitioner's representation dated on 12.12.2017 within a time stipulated by this Court.



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

4. The case of the petitioner is that on 04.12.2017, his lorry bearing Registration No. TN 50 H 6328 was seized by the second respondent alleging that the lorry was used for illegal transportation of sand and the lorry is now under the custody of the second respondent. Hence, the petitioner on 12.12.2017, sent a representation to the respondents, requesting to release his vehicle. However, the vehicle has not yet been released. So, the petitioner is before this Court.

5. It is further submitted by the learned Counsel for the petitioner that there is no bad antecedent committed by the petitioner with the very same vehicle.

6. On the other hand, the learned Additional Government Pleader stoutly refuted the contentions of the learned Counsel for the petitioner, and fairly submitted that the vehicle of the petitioner may be released with stringent conditions, to put an end to such occurrences, in future.

7. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to sun and rain, it would certainly lose its value, the respondents are directed to release the vehicle in question to the petitioner on the following conditions:

"(i) The petitioner shall produce necessary documents before the respondents to establish and to prove his ownership of the vehicle in question;

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

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal



activities and also he will not indulge in such activities in future;

(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."

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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2. The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.

+1cc to M/S.R.VINOTH, Advocate SR.No.93564.

+1cc to Special Government Pleader in SR.No.93843.

W.P. (MD) No.23384 of 2017
19.12.2017

dsk

SDS/SV:MMS/SAR 4/20.12.2017/3P/5C