



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P (MD) No.23425 of 2017

Karnan

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram.

3. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to release the petitioner's vehicle of Tata Tipper Lorry bearing registration No.TN-21-AX-3703 from the custody of the third respondent police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 16.12.2017 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.M.Alagathevan,
(R1 to R3) Special Government Pleader.

ORDER

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

2.Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents.

3.The case of the petitioner is that though he plied his vehicle with all valid documents, the third respondent, on 19.12.2017, seized his vehicle, as if he was illegally transporting sand. Aggrieved by this action of the authorities,



the petitioner is before this Court, seeking a direction to release his vehicle, namely, TATA Tipper Lorry, bearing Registration No.TN-21-AX-3703 , by considering his representation, dated 16.12.2017.

4. On the other hand, the learned Special Government Pleader stoutly refuted the contentions of the learned Counsel for the petitioner, but he fairly submitted that the vehicle of the petitioner may be released, but stringent conditions may be imposed for stopping such occurrence, in future.

5. 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 second respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other 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."

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

Sd/-

Assistant Registrar (T&P)

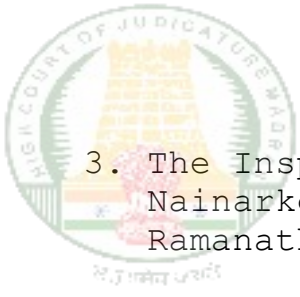
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Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The District Divisional Officer,
Paramakudi, Ramanathapuram.



3. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

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+ 1 cc TO Mr.M.S.Jeyakarthik , Advocate in SR No. 94204

smn

AE/KKR/SAR2/03.01.2018/3P/5C

ORDER MADE IN
W.P (MD) No.23425 of 2017
20.12.2017