



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.12.2017
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.23524 of 2017

Puvaneshwaran

... 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 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to release the petitioner's vehicle of Tata Tipper Lorry, bearing registration No. TN-57-AY-5218 from the custody of the 3rd respondent police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 16.12.2017.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.M.Alagathevan
Spl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to release the petitioner's vehicle of Tata Tipper Lorry, bearing registration No. TN-57-AY-5218 from the custody of the 3rd respondent police and to hand over the above vehicle to the petitioner, by considering the petitioner's representation dated 16.12.2017.

2. According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the third respondent 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 Special 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 sand.



4. In any event, as the vehicle is under the custody of the third respondent, having been seized on 13.12.2017 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 can be released by imposing conditions on the petitioner for release of the said vehicle.

5. Accordingly, the second respondent is 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 second 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 second respondent;

(iii) The petitioner shall give an undertaking to the second 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 respondent;

(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 (RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram.
3. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

+ 1 CC TO Mr.JEYAKARTHIK, ADVOCATE IN SR No. 94201