



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.23525 of 2017

R. Ramasundaram

... 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 the petitioner's JCB Earth Moving Vehicle bearing Registration No. TN-65-R-7357, Chassis No. HAR3DXSSV01855863 and Engine No: H00053771, seized on 04.12.2017 by the 2nd respondent by considering the petitioner's representation dated 12.12.2017 within a time stipulated by this Honble Court.

For Petitioner : Mr. R. Vinoth

For Respondents : Mr. T. S. Mohamed Mohideen

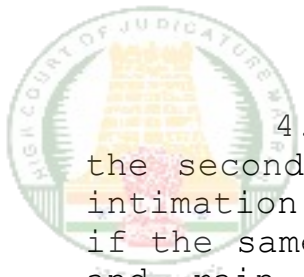
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to release the petitioner's JCB Earth Moving Vehicle bearing Registration No. TN-65-R-7357, Chassis No. HAR3DXSSV01855863 and Engine No: H00053771, seized on 04.12.2017 by the 2nd respondent by considering the petitioner's representation dated 12.12.2017.

2. According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the second 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 Additional Government Pleader appearing for the respondents that the vehicle was seized, as the same was involved for illegal plying without valid papers, including registration certificate book and permit to do so.



4. In any event, as the vehicle is under the custody of the second respondent, having been seized on 04.12.2017 with due intimation to the first 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 first 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 the documents before the first 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 first respondent;

(iii) The petitioner shall give an undertaking to the first 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 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, in SR No.93869

W.P. (MD) No.23525 of 2017
20.12.2017