



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.23534 of 2017

K.Sekar

... Petitioner

Vs.

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

2.The Inspector of Police,
Thiruvadanai 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 for release of petitioner's lorry bearing Registration No. TN-50-H-0759, Chassis No: MB1G3DWC3AE9C1670, Engine No: XUE118382Z, Comot Tipper seized on 11.12.2017 by the 2nd Respondent by considering the Petitioner's representation dated on 12.12.2017.

For Petitioner : Mr.R.Vinoth
For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

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

2. The petitioner seeks a Writ of Mandamus directing the respondents to release his Lorry bearing Registration No.TN-50-H-0759 seized by the second respondent on 11.12.2017, by considering his representation dated on 12.12.2017.

3. According to the petitioner, even though he plied the said vehicle with all relevant documents, the second respondent seized the same on 11.12.2017 and it is specifically submitted that the petitioner has no bad antecedents.

4. On the other hand, it is submitted by the learned Special Government Pleader that the vehicle was seized as it was plying without valid papers including registration certificate books and transport permits for transporting sand.



5. Heard the learned Counsel for the petitioner and Mr.M.Alagathevan, learned Special Government Pleader, who takes notice for the respondents.

6. In any event, as the vehicle is under the custody of the authorities, having been seized on 11.12.2017 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 may be released by imposing conditions on the petitioner for release of the same.

7. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the respondents 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 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;

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

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

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

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police, Thiruvadanai Police Station,
Ramanathapuram District.

+1CC to Mr.R.Vinoth, Advocate, SR.No. 93870

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