



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.23625 of 2017

V.Madhivanan

... Petitioner

vs.

The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to release the petitioner's vehicle bearing Reg.No.TN.55 AT 5778 by considering the petitioner's representation dated 04.12.2017 within the time that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar
For Respondent	: Mr.J.Gunaseelan Muthiah Government Advocate

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the respondent to release the petitioner's vehicle (Tractor) bearing Reg. No.TN.55 AT 5778, by considering the petitioner's representation dated 04.12.2017.

2.The learned counsel appearing for the petitioner submitted that the vehicle in question has not been used for any illegal transportation. But, the respondent has erroneously seized the vehicle on 19.11.2017 and now, the same is under his custody.

3.The learned Government Advocate appearing for the respondent submitted that the vehicle in question was found in possession of sand without any valid permit and hence, it was seized.

4.In any event, as the vehicle is under the custody of the respondent, having been seized on 19.11.2017 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 respondent, 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 respondent is directed to release the vehicle in question within a period of 7 days, subject to the following conditions:

“(i) The petitioner shall produce documents before the 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 respondent;

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

/True Copy/

Sub Assistant Registrar

To:

The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

MJ
TE/SKN-RSK/SAR-4 : 27/12/2017 : 2P/2C

W.P. (MD) No.23625 of 2017
21.12.2017