



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) No.23630 of 2017

A.Maheswaran

... Petitioner

-vs-

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

2.The Inspector of Police,
Kamuthi 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 vehicle JCB Machine No.HD 363, Engine No.4H, 3223/1720089, Chasis No.BCEHD760JBHL00363 seized on 16.12.2017 by the 2nd respondent by considering the petitioner's representation dated 18.12.2017 within the time limit stipulated by this Court.

For Petitioner : Mr.M.Jegadeeshpandian
For Respondents : Mr.M.Alagathevan
Special Government Pleader

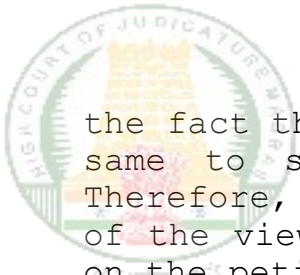
O R D E R

The petitioner seeks for a Writ of Mandamus, directing the first respondent to release the vehicle viz., JCB Machine No.HD 363, Engine No.4H, 3223/1720089, Chasis No.BCEHD760JBHL00363, which was seized on 16.12.2017 by the second respondent.

2.The learned counsel appearing for the petitioner submitted that the vehicle in question has not been used for any illegal transportation. But, the second respondent has erroneously seized the vehicle on 16.12.2017 and now, the same is under his custody.

3.The learned Special Government Pleader appearing for the respondents 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 second respondent, having been seized on 16.12.2017 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.

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5. Accordingly, the respondents are 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 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 to the respondents 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 by the respondents; 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:

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

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

+One cc to Mr. M. Jegadeesh Pandian, Advocate, SR.No.94138

+One cc to The Special Government Pleader, SR.No.94765

mj

RL/5C/2P/SV/MMS/SAR3/26/12/2017

W.P. (MD) No.23630 of 2017