

**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.23730 of 2017**

Muthupandi

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Sub Collector,
Thoothukudi,
Thoothukudi District.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents 2 & 3 to release the petitioner's vehicle bearing Registration No. TN-72-AL-9182, within a stipulated time limit.

For Petitioner : Mr.S.Sundarapandian
For Respondents : Mr.T.S.Mohamed Mohideen,
Additional 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 Tipper Lorry Tata Model 407 vehicle, bearing Registration No.TN-72-AL-9182 seized by the respondents 2 & 3 on 31.10.2017, by considering his representation dated on 18.12.2017.



3. According to the petitioner, even though he plied his vehicle with all valid documents, the authorities had seized the same, as if it was used for transporting sand, illegally and it is specifically submitted that the petitioner has no bad antecedents.

4. On the other hand, it is submitted by the learned Additional 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.T.S.Mohamed Mohideen, learned Additional 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 31.10.2017 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 second 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 (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Sub Collector,
Thoothukudi,
Thoothukudi District.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

+1cc to M/S.S.SUNDARAPANDIAN, Advocate SR.No.94518.

+1cc to Special Government Pleader in SR.No.94651.

W.P. (MD) No.23730 of 2017
21.12.2017

gk

SDS/SV:MMS/SAR 1/22.12.2017/3P/6C