



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.23765 of 2017

T.Rajasekaran

... Petitioner

Vs.

- 1.The District Revenue Officer,
Theni District.
- 2.The Revenue Divisional Officer,
Periyakulam,
Theni District.
- 3.The Tahsildar,
Andipatti, Theni District.
- 4.The Sub Inspector of Police,
Kanavilakku Police Station,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd Respondent to release the JCB bearing Registration No. TN-33-AL-5574, seized by the 4th respondent on 13.06.2017 to the petitioner.

For Petitioner	: Mr.R.Maheswaran
For Respondents	: Mr.J.Gunaseelan Muthiah, Government Advocate

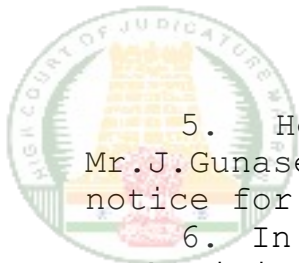
ORDER

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 JCB vehicle, bearing Registration No.TN-33-AL-5574 seized by the fourth respondent on 13.06.2017, by considering his representation dated on 01.12.2017.

3. According to the petitioner, he purchased the JCB vehicle from one Kailasam, on 07.06.2017 and on 13.06.2017, the fourth respondent, 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 Government Advocate 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.J.Gunaseelan Muthiah, learned Government Advocate, who takes notice for the respondents.

6. In any event, as the vehicle is under the custody of the authorities, having been seized on 13.06.2017 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 (CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Revenue Officer, Theni District.

2.The Revenue Divisional Officer, Periyakulam, Theni District.

3.The Tahsildar, Andipatti, Theni District.

4.The Sub Inspector of Police, Kanavilakku Police Station, Theni District.

+One cc to Mr.R.Maheswaran, Advocate, SR.No.94143

+One cc to The Special Government Pleader, SR.No.94652

gk

<https://hcservices.ecourts.gov.in/hcservices/> RI/7C/2P/SV/MMS/SAR1/22/12/2017

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