



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2017

CORAM:

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THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.2642 of 2017

Palani

... Petitioner

Vs.

1.The Revenue Divisional officer,
Paramakudi,
Ramanathapuram District.

2.The Assistant Director, (Mines),
Ramanathapuram District.

3.The Inspector of Police,
Parthibanoor Police Station,
Ramnad District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondents to release the seized Tipper lorry bearing registration No.TN 63 AA 6987 seized by the 2nd respondent on 07.02.2017 to the petitioner.

For Petitioner : M/s.A.Umavathi

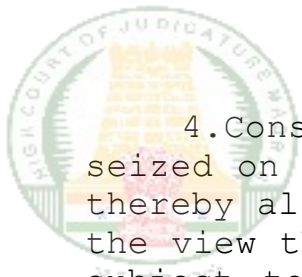
For Respondents : Mr.C.Selvaraj
Special Government Pleader

O R D E R

This Writ Petition is filed seeking for a direction to the 1st respondent to release the seized Tipper lorry bearing registration No. TN 63 AA 6987 seized by the 2 respondent on 07.02.2017 to the petitioner.

2.According to the petitioner, his vehicle was seized by the second respondent on 07.02.2017 without any valid reasons, more particularly, when the Petitioner's vehicle was plying with all necessary documents.

3.On the other hand, it is contended by the learned Special Govt. Pleader appearing for the respondents that the vehicle was seized by the 2nd respondent on 07.02.2017 without any valid reasons. It was found transporting two units of "Savadu Sand" without having any valid papers.



4.Considering the fact that the Petitioner's vehicle was seized on 07.02.2017 and now it is being exposed to sun and rain thereby allowing the same to diminish its value, this Court is of the view that the same can be returned to the Petitioner, however, subject to certain conditions which will safe-guard the interest of both the parties.

5.Accordingly, this Writ Petition is disposed of with a direction to the first respondent/The Revenue Divisional Officer, Paramakudi, Ramanathapuram District to release the vehicle of the petitioner namely Tipper lorry bearing registration No.TN 63 AA 6987, within a period of seven days, subject to the following conditions:

- "(i)The petitioner shall produce documents before the first 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) with 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 first respondent;
- (iv)On doing so, the vehicle in question shall be returned to the petitioner; 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(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The Revenue Divisional officer, Paramakudi,
Ramanathapuram District.

2.The Assistant Director, (Mines), Ramanathapuram District.

3.The Inspector of Police, Parthibanoor Police Station,
Ramnad District.

+1CC to M/S.A.Umavathi, Advocate, SR.No. 8760

+1CC to the Special Government Pleader, SR.No. 8959

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