



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2017

CORAM:

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**THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU**

W.P. (MD) No.315 of 2017

S.M.Kamaraj

... Petitioner

Vs.

1.The Revenue Divisional Officer,  
Padmanabhapuram, Thucklai,  
Kanyakumari District.

2.The Tahsildar,  
Kalkulam Taluk,  
Thucklai,  
Kanyakumari District.

3.The Superintendent of Police,  
Kanyakumari District,  
At Nagercoil.

4.The Sub Inspector of Police (Traffic),  
Thucklai Police Station,  
Thucklai,  
Kanyakumari District.

... Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to release the petitioner's Taurus lorry bearing registration No.TN74 V 1150 within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.T.S.Mohamed Mohideen, AGP

### **ORDER**

The petitioner seeks for a Writ of Mandamus, directing the 1<sup>st</sup> respondent to release the his Taurus lorry bearing registration No.TN-74-V-1150.

2.According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the respondents seized the vehicle.

<https://hcservices.ecourts.gov.in/hcservices/>  
3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle



was seized as it was plying without valid papers including registration certificate book and transport permit for transporting sand. It is also stated by the learned Additional Government Pleader that the driver was found to be drunken while the vehicle was caught hold of.

4. In any event, as the vehicle is under the custody of the 1<sup>st</sup> respondent having been seized on 30.12.2016 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 1<sup>st</sup> 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 1<sup>st</sup> respondent is 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 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 1<sup>st</sup> 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 1<sup>st</sup> 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 (P & A)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,  
Padmanabhapuram, Thucklai, Kanyakumari District.

2. The Tahsildar, Kalkulam Taluk,  
Thucklai, Kanyakumari District.

<https://hcservices.courts.myservices.net>  
3. The Superintendent of Police,  
Kanyakumari District, At Nagercoil.



4.The Sub Inspector of Police (Traffic),  
Thucklai Police Station,  
Thucklai,  
Kanyakumari District.

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+1cc to M/s.M.R.Sreenivasan, Advocate, in SR No.1194.

+1cc to Special Government Pleader in SR.No.1359.

W.P. (MD) No.315 of 2017  
06.01.2017

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