



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE **J.NISHA BANU**

W.P. (MD) No.4188 of 2017

N.Samynathan

... Petitioner

Vs.

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

2.The Inspector of Police,
Sayalkudi 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 respondents to release the Petitioner's vehicle viz., TATA Hitachi model ZX 120-H Pocclain vehicle within a stipulated time.

For Petitioner : Mr.P.Gunasekaran

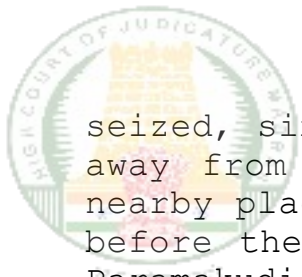
For Respondents : Mr.G.Muthukannan
Govt. Advocate

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to release the Petitioner's vehicle namely TATA Hitachi model ZX 120-H Pocclain vehicle.

2.The petitioner averred among the other things that he is the owner of the TATA Hitachi model ZX 120-H Pocclain vehicle. He used to eke out his livelihood by hiring the said vehicle to the needy customers and as such, he hired the said vehicle to one P.Vadivel for the purpose of quarrying sand (savadu) from his patta land bearing Survey Nos.104/4A, 104/4C and 104/4H situated at Periyakulam Village, Kadaladi Taluk, Ramanathapuram District. The petitioner has accepted to give the vehicle for quarry operation only after verifying the permit granted by the authorities to Mr.P.Vadivel and the said permit is valid till 09.03.2017. On 05.03.2017, when the vehicle was parked in the permitted land, the 2nd respondent came to the spot on 05.03.2017 at 6.00 p.m. and took away the vehicle even after production of the necessary documents. As a matter of fact, when the second respondent came to the spot, there was no quarry operation and the vehicle was parked without any goods. Since the petitioner was not amenable to the illegal demand of the second respondent, his vehicle was illegally seized by the 2nd respondent.

<https://hcservices.courts.gov.in/hcservices/>
On the other hand, it is contended by the learned Government Advocate appearing for the respondents that the vehicle was



seized, since the same was parked only at a distance of 100 meters away from the permitted quarry site for removing sand from the nearby places. He further submitted that now the matter is pending before the first respondent viz., the Revenue Divisional Officer, Paramakudi.

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4. Admittedly, the petitioner has hired his vehicle to one Mr.P.Vadivel, who has valid permit licence to transport the sand from his patta land till 09.03.2017. On perusal of the typed set, it is seen that the petitioner has produced the permit given to Mr.P.Vadivel from 01.03.2017 to till 07.03.2017 and also the registration certificate of the vehicle.

5. Considering the fact that the Petitioner's vehicle was seized on 05.03.2017 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.

6. Accordingly, this Writ Petition is disposed of with a direction to the respondents to release the vehicle of the petitioner namely TATA Hitachi model ZX 120-H Poclain vehicle, 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.5,000/- (Rupees 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."

7. This Writ Petition is ordered accordingly. No costs.

sd/
Assistant Registrar

/True Copy/



To

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

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

+1CC TO M/S.P.GUNASEKARAN, Advocate, SR.NO.14238
+1CC TO SPECIAL GOVERNMENT PLEADER, SR.NO.14411

W.P. (MD) Nos.4188 of 2017
13.03.2017

JM/CM MSA/SAR 3/15.03.2017/3P/5C