



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.686 of 2017

S.Nadarajan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District

2.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District

3.The Inspector of Police,
Ettayapuram Taluk,
Thoothukudi District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to release the Petitioner's vehicle (Lorry) bearing Registration No.TN69-BC-1073 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr. V.Manikandan

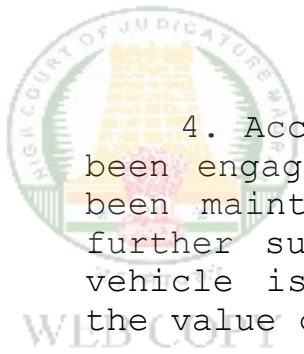
For R1 to R3 : Mr. A.Muthukaruppan
(Additional Government Pleader)

O R D E R

Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents.

2. By consent of parties, the main Writ Petition itself is taken up for final disposal.

3. The case of the petitioner is that he is the owner of the Tipper Lorry bearing Registration No.TN69-BC-1073. On 05.01.2017, the vehicle was intercepted and the same was seized and handed over to the third respondent.



4. According to the learned counsel for the petitioner, he had been engaging his Lorry only for lawful purposes and that he had been maintaining proper accounts for the Trips being made. He further submits that the petitioner apprehends that in case the vehicle is detained for considerable time, it would deteriorate the value of the vehicle and cause heavy loss to him.

5. The learned Additional Government Pleader on instructions would submit that the petitioner's vehicle was carrying 35 tones of Lime Stone instead of 30 tones, which is in violation.

6. This Court in similar circumstances in W.P(MD)No.12365 of 2016, dated 14.07.2016 and in W.P(MD)No.22690 of 2016, dated 25.11.2016, had disposed of that Writ Petitions, imposing conditions for the release of the vehicle.

7. Following the earlier orders passed by this Court, there shall be a direction to the respondents to release the afore said vehicle of the petitioner on the following conditions:

(a) *The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in cash before the first respondent;*

(b) *The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;*

(c) *The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;*

(d) *On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No.TN 69 BC 1073 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;*

(e) *The first respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;*

(f) *This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and*

<https://hcservices.ecourts.gov.in/hcservices/TCSA> as much as the Vehicle bearing Registration No. TN 69 BC 1073 is seized by the first Respondent on 05.01.2017, the aforesaid order is to be complied with



within a period of one week, if no order of adjudication is passed as on today.

Accordingly, the Writ Petition stands allowed . No Costs.

WEB COPY

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

3.The Inspector of Police,
Ettayapuram Taluk,
Thoothukudi District.

+1cc to Mr.V.Manikandan,Advocate Sr.No.2454

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.2782

W.P. (MD) No.686 of 2017
12.01.2017

pm

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