



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM:

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

W.P. (MD) No.7092 of 2017

WEB COPY

P. Karthikeyan

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Trichy District, Trichy.

2. The Revenue Divisional Officer,
Trichy 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 bearing registration No.TN-32-T-5379 forthwith.

For Petitioner : Mr.T.Saravanan
For Respondents : Mr.R. Anandaraj,
Government 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 bearing registration No.TN-32-T-5379.

2.The petitioner averred among the other things that he is the owner of the vehicle bearing Registration No.TN-32-T-5379. He used the same for transportation of pebbles, the debris of demolished buildings etc. He has obtained appropriate permission vide the Goods Carriage Permit issued by the Regional Transport Authority - Trichy West in T.G.P.No.293/TN45/GV/2016 for the period from 25.05.2016 to 24.05.2021 sequel to which he has been regularly transporting the articles without any complaints. While so, on 05.04.2017 at about noon time the said vehicle was carrying pebbles with valid permit, the second respondent intercepted the vehicle and seized the same on the allegation that there is no valid permit to transport the pebbles. The grievance of the petitioner is that though the driver of the vehicle produced the permit slip T.G.P.No.293/TN45/GV/2016, valid from 25.05.2016 to 24.05.2021, the second respondent without considering the same, seized the vehicle and that if the said vehicle is kept idle exposing to drain and rain, the same will be deteriorated. Hence, he has come up with this writ petition seeking aforesaid prayer.

3.On the other hand, it is contended by the learned Government



Advocate appearing for the respondents that the vehicle was seized, since the same has been transporting pebbles without valid permit and more than the permitted level. He further submitted that now the matter is pending before the second respondent viz., the Revenue Divisional Officer, Trichy District.

WEB COPY

4. According to the petitioner, he has been using his vehicle for transporting the goods with valid permit. In support of the said contention, he has produced the Goods Carriage Permit dated 25.05.2016, wherein the petitioner's vehicle number has been clearly mentioned.

5. In view of the above and also considering the fact that the Petitioner's vehicle was seized on 05.04.2017 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 the following directions.

"(i) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) before the second respondent;

(ii) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle.

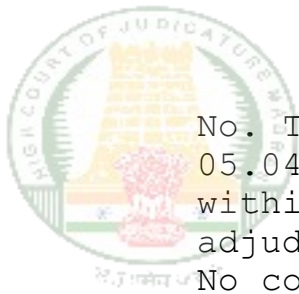
(iii) The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings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

(iv) On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No.TN-32-T-5379 to the petitioner.

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

(vi) 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 the 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. The petitioner is directed to file necessary application in the manner known to law and in accordance with law; and

(vii) Inasmuch as the vehicle bearing Registration



No. TN-32-T-5379 is seized by the second respondent on 05.04.2017, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.
No costs.

WEB COPY

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the Collectorate,
Trichy District, Trichy.

2. The Revenue Divisional Officer,
Trichy District.

+1cc to Special Government Pleader, SR.No.4616

W.P. (MD) No.7092 of 2017
19.04.2017

JM/SKN RSK/SAR 4/20.04.2017/3P/4C