



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2017

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.8556 of 2017

and

W.M.P. (MD) .No.6505 of 2017

Jayaprakash

... Petitioner

Vs.

1.The Sub-Collector,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
Kamuthi Taluk, Kamuthi.

3.The Inspector of Police,
Abiramam 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 respondent herein to release the JCB Vehicle bearing Registration No.TN-65-R-6666.

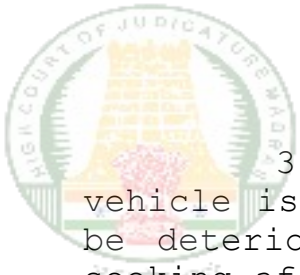
For Petitioner : Mr.R.Murali

For Respondents : Mr.T.R.Janardhanam
Govt. Advocate

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to release the JCB Vehicle bearing Registration No.TN-65-R-6666.

2.The petitioner averred among the other things that he is the owner of the vehicle in question. According to the petitioner, the vehicle in question was given to one Arumugam, Class-I, Contractor in PWD and Highways Department for contractual purpose. When the vehicle was on the job, on 25.04.2017, the respondent police had taken the vehicle on the premises that the vehicle was used for illegal transport of sand and subsequently, a First Information Report also came to be registered. Hence, the petitioner is before this Court.



3. The grievance of the petitioner is that if the said vehicle is kept idle exposing to hot sun and rain, the same would be deteriorated. Hence, he has come up with this writ petition seeking aforesaid prayer.

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4. 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 illegally transporting the sand.

5. In view of the above and considering the fact that if the vehicle in question is 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 first 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 in question to the petitioner.

(v) The first 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 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;

(vii) The petitioner shall give an undertaking that he will not involve illegal transportation of sand in future and

(viii) The aforesaid order is to be complied with within a period of two weeks from the date of receipt of a copy of this order, if no order of adjudication is passed as on today. No costs.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

1. The Sub-Collector,
Paramakudi,
Ramanathapuram District.

2. The Tahsildar,
Kamuthi Taluk, Kamuthi.

3. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

+1CC to M/S.R.Murali, Advocate, SR.No. 55011

W.P. (MD) Nos. 8556 of 2017
28.04.2017

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