



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2017

WEB COPY

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.8695 of 2017

Sethuraman

... Petitioner

Vs.

1.The Sub-Collector,
Office of the Sub-collectorate,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Panthanallur Police Station,
Thanjavur 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 Petitioner tractor in bearing Registration No.TN-51-V-0069, along with bullock cart.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.R.Anandharaj
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 bearing Registration No.TN-51-V-0069, along with bullock car.

2.The petitioner averred among the other things that he is the owner of the Tractor bearing Registration No.TN-51-V-0069. While so, the vehicle of the petitioner was seized by the respondents on the allegation that he illegally transported the sand. In this regard, he made a representation to the respondents, but, no action has been taken by them. 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 will be deteriorated. Hence, he has come up with this writ petition seeking aforesaid prayer.

WEB COPY

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 transporting sand without valid permit.

5. In view of the above and also considering the fact that the Petitioner's vehicle was seized on 03.01.2017 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 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 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 in 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) Inasmuch as the vehicle is seized by the respondents on 03.01.2017, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today. No costs.

WEB COPY

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Collector,
Office of the Sub-collectorate,
Kumbakonam, Thanjavur District.

2. The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.

+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 55382

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55459

SSM

TE/JC/SAR-IV : 04/05/2017 : 3P/5C

W.P. (MD) Nos.8695 of 2017
28.04.2017