



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2017

CORAM:

THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.24806 of 2016

B.Sathasivam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Inspector of Police,
Pazhavoor Police Station,
Tirunelveli District.

4.The Assistant Director,
Geology and Mines Department,
Madurai 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 namely TATA SFC 407 Pick-up Truck bearing Registration No.TN 74 P 9677 based on his representation dated 1.12.2016

For Petitioner : M/s.S.Balaji

For Respondents : Mr.A.Muthukaruppan
Addl.Govt.Pleader

O R D E R

This Writ Petition is filed seeking for a direction to the respondents to release the Petitioner's vehicle namely TATA SFC 407 Pick-up Truck bearing Registration No.TN 74 P 9677 based on his representation dated 1.12.2016.

2.According to the petitioner, his vehicle was seized by the respondents on 29.11.2016 without any valid reasons, more particularly, when the Petitioner's vehicle was plying with all



necessary documents.

3. On the other hand, it is contended by the learned Addl. Govt. Pleader appearing for the respondents that the vehicle was seized, since it was found transporting sand without having any valid papers. He further submitted that the Petitioner's matter is pending before the Sub-Collector, Cheranmahadevi.

4. Considering the fact that the Petitioner's vehicle was seized on 19.11.2016 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.

5. Accordingly, this Writ Petition is disposed of with a direction to the respondents as well as the Sub-Collector, Cheranmahadevi to release the vehicle of the petitioner namely TATA SFC 407 Pick-up Truck bearing Registration No. TN 74 P 9677, within a period of seven days, subject to the following conditions:

- "(i) The petitioner shall produce documents before the second respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) with the second 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 second 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."

6. This Writ petition is ordered accordingly. No costs.
Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

vsn

To

<https://hcservices.tn.gov.in/hcservices/>
The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

4.The Assistant Director,
Geology and Mines Department,
Madurai District.

+1cc to Mr.S.Balaji, Advocate Sr.No. 2836

JAM/20.01.2017/GSV-SV/ SAR 3/3P-6C

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