



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.07.2018
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.16376 of 2018

K.Vilavathurai

... Petitioner

vs.

The Sub Collector
Paramakudi Revenue Division
Paramakudi
Ramanathapuram District

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to release the vehicle bearing registration No. TN 65 AX 5788 forthwith.

For Petitioner : Mr.Raja Karthikeyan
For Respondent : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

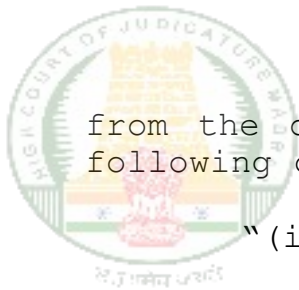
The petitioner seeks for a writ of mandamus directing the respondents to release his vehicle, namely, tractor bearing registration No.TN65 AX 5788, seized on 13.07.2018 by the respondent.

2. According to the petitioner, even though his driver had plied the aforesaid vehicle with all relevant documents, the kadaladi police has seized the vehicle.

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondent that the vehicle was seized as the same was plied without valid papers, including registration certificate books and transport permit for transporting sand.

4. In any event, as the vehicle is under the custody of the Kadaladi Police having been seized on 13.07.2018 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondents, this Court is of the view that the vehicle can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

5. Accordingly, the respondent is directed to release the vehicle in question to the petitioner within a period of seven days



from the date of receipt of a copy of this order subject to the following conditions:

- “(i) The petitioner shall produce documents before the respondent under whose custody the vehicle is kept, to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) before the respondent herein;
- (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 respondents;
- (iv) On doing so, the vehicle in question shall be returned to the petitioner;
- (v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- (vi) The concerned Revenue Divisional Official is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and
- (vii) The petitioner is also directed to participate in the enquiry to be conducted by the concerned Revenue Divisional Officer.”

6. The writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(cs-II)

To:
The Sub Collector,
Paramakudi Revenue Division,
Paramakudi, Ramanathapuram District

+1CC to Mr. Raja. Karthikeyan, Advocate in SR.No.75250.
+1CC to Special Government Pleader in SR.No.75536.

AAV

<https://hcservices.ecourts.gov.in/hcservices/> :03.08.2018: 2P/4C

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