



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.02.2018

CORAM:
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

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W.P.(MD)No.1020 of 2018

A.Kamala Kannan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Nilakottai,
Dindigul District.

2.The Thasildar,
Nilakottai Taluk Office,
Nilakottai,
Dindigul District.

3.The Inspector of Police,
Batalagundu Police Station,
Batalagundu,
Dindigul District.

... Respondents

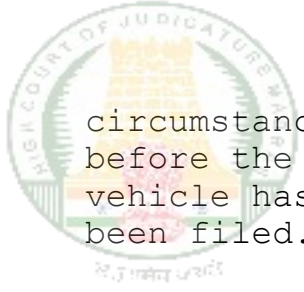
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the Tractor and Trailer bearing Registration No.TN 21 AA 5605 which were seized on 16.06.2017 based on the petitioner's representation dated 28.11.2017 and hand over the same to the petitioner within the time frame that may be stipulated by this Court.

For Petitioner : Mr.C.Vakeeswaran
For Respondent : Mr.M.Rajarajan,
Government Advocate.

ORDER

This Writ Petition has been filed seeking a direction to the respondents to release the Tractor and Trailer bearing Registration No.TN 21 AA 5605, which were seized on 16.06.2017 based on the petitioner's representation dated 28.11.2017 and hand over the same to the petitioner within the time frame that may be stipulated by this Court.

2.According to the petitioner, one Sathasivam has engaged the petitioner to remove the gravel from his agricultural land situated at Periyakulam Taluk, Gungavarpatti Village, Meenakshipuram. At that time, the second respondent seized the vehicle and also filed a criminal case against the petitioner punishable under Sections 294(b), 332 and 379 of IPC. In the above



circumstances, the petitioner made a representation dated 28.11.2017 before the second respondent to release the vehicle, but so far, the vehicle has not been released. Hence, the present writ petition has been filed.

3.The learned Government Advocate appearing for the respondents on instructions submitted that the petitioner has removed the gravel without proper permission from the authority and he has also abused the officials with the filthy language and also beaten the Village Administrative Officer and others. Hence, the vehicle has been seized.

4.Considering the fact that since the vehicle is seized by the second respondent on 16.06.2017, the second respondent is directed to release the vehicle with the following conditions:-

(a) *The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in cash before the first respondent;*

(b) *The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;*

(c) *The petitioner is 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;*

(d) *On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No.TN 21 AA 5605 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;*

(e)*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 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 to law and in accordance with law; and*

5.It is always open to the respondents to initiate necessary proceedings against the petitioner for the alleged violation.



6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-I)

/True copy/

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Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Nilakottai,
Dindigul District.

2. The Thasildar,
Nilakottai Taluk Office,
Nilakottai,
Dindigul District.

3. The Inspector of Police,
Batalagundu Police Station,
Batalagundu,
Dindigul District.

+1cc to Mr.C.VAKEESWARAN, Advocate, SR. 48320

W.P (MD) No.1020 of 2018
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