



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1035 of 2018

R.Periyadurai @ Karnan

... Petitioner

Vs.

State rep.by

The Sub Inspector of Police,

Kallal Police Station,

Kallal,

Sivagangai District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus direct the respondent to release the Mahindra Tractor bearing registration No.TN 63 V6438 seized by the respondent on 16.10.2017.

For Petitioner

: Mr.P.Kalimuthu

For Respondent

: Mr.Aayiram K.Selvakumar

Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondent to release the Mahindra Tractor bearing registration No.TN 63 V6438 seized by the respondent on 16.10.2017.

2.Heard Mr.P.Kalimuthu, learned counsel appearing for the petitioner and Mr.K.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondent.

3.According to the petitioner, the vehicle in question has not been used for any illegal transportation. But the respondent has illegally seized the vehicle and foisted a false case against the petitioner. Hence, this writ petition has been filed.

4.On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondent that the vehicle in question was used for illegal transportation of river sand and hence it was seized.

5.In any event, as the vehicle is under the custody of the respondent from 16.10.2017 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 respondent, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.



6. Accordingly, the respondent is directed to release the vehicle in question to the petitioner within a period of 7 days subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), before the 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 respondent;

(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; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondent."

7. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

The Sub Inspector of Police,
Kallal Police Station,
Kallal,
Sivagangai District.

+1cc to M/S.P. Kalimuthu, Advocate SR.No. 42896
+1cc to Special Government Pleader, SR.No. 43145

WP (MD) No.1035 of 2018
19.01.2018

mj

JM/SKN RSK/SAR 2/23.01.2018/2P/4C