



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

Writ Petition(MD)No.1083 of 2018

Balagurnathan

... Petitioner

**Vs.**

1. The District Collector/  
District Administrative Magistrate,  
Ramanathapuram District,  
Ramanathapuram.
2. The Revenue Divisional Officer/  
Ist Class Administrative Magistrate,  
Paramakudi,  
Paramakudi Taluk,  
Ramanathapuram District.
3. The Inspector of Police,  
Paramakudi Taluk Police Station,  
Paramakudi,  
Ramanathapuram District.

... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to release the petitioner's tractor along with trailer bearing registration Nos.TN 65 U 5023, TN 65 U 5044.

For Petitioner : Mr.B.Anandan  
For Respondents : Mr.M.Rajarajan  
Government Advocate

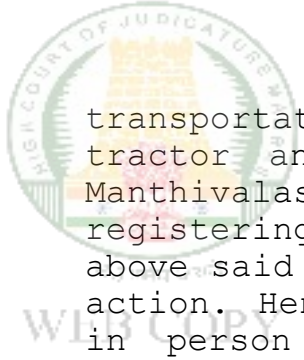
**ORDER**

This writ petition has been filed seeking direction to the respondents to release the petitioner's tractor along with trailer bearing registration Nos.TN 65 U 5023, TN 65 U 5044.

2. Heard Mr.B.Anandan, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. According to the petitioner, on secret information, the third respondent conducted raid on 06.01.2018 with regard to the



transportation of sand as illegal, at that time, the petitioner's tractor and trailer were loading sand in Vaigai River bed at Manthivalasai Village without getting proper permission. After registering the F.I.R., the third respondent has handed over the above said vehicle before the second respondent for taking necessary action. Hence, the petitioner has approached the second respondent in person and requested him to release the vehicle. But the respondents had not released the petitioner's vehicle.

4. On the other hand, it is submitted by the learned Government Advocate that the vehicle was seized as it was transported sand without getting any proper permission from the concerned authorities.

5. In any event, as the vehicle is under the custody of the authorities, having been seized on 06.01.2018 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 may be released by imposing conditions on the petitioner for release of the same.

6. Accordingly, the respondents are 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 respondents 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 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 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; and*

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

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CO)



To

1. The District Collector/  
District Administrative Magistrate,  
Ramanathapuram District,  
Ramanathapuram.

2. The Revenue Divisional Officer/  
Ist Class Administrative Magistrate,  
Paramakudi,  
Paramakudi Taluk,  
Ramanathapuram District.

3. The Inspector of Police,  
Paramakudi Taluk Police Station,  
Paramakudi,  
Ramanathapuram District.

+ 1 CC TO Mr.B.ANANDAN, ADVOCATE IN SR No. 43723

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 44010

AKV

TE/SV-MMS/SAR-1 : 25/01/2018 : 3P/6C

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