



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.1185 of 2018

Kumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirupathur,
Sivagangai District.

2.The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur,
Sivagangai District.
Crime No.381 of 2017

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to release petitioner's vehicle Lorry bearing registration No.TN 36 AZ 2872 seized by the 2nd respondent police based on the representation dated 11.01.2018.

For Petitioner
For Respondents

:Mr.C.Ezhilarasu
:Mr.P.Kannithevan
Additional Government Pleader.

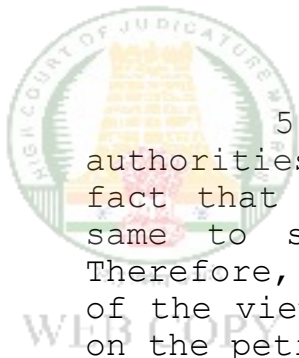
ORDER

This writ petition has been filed seeking direction to the first respondent to release the petitioner's Lorry bearing Registration No.TN-36-AZ-2872 seized by the second respondent police based on the representation dated 11.01.2018.

2.Heard Mr.C.Ezhilarasu, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, even though he plied the said vehicle with all relevant documents, the second respondent seized the same on 14.11.2017 and it is specifically submitted that the petitioner has no bad antecedents.

4.On the other hand, it is submitted by the learned Additional Government Pleader that the vehicle was seized as it was plying without valid papers including registration certificate books and transport permits for transporting sand.



5. In any event, as the vehicle is under the custody of the authorities, having been seized on 14.11.2017 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 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.50,000/- (Rupees Fifty Thousand only), before the first 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(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Thirupathur, Sivagangai District.

2. The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur, Sivagangai District.

+1CC to Mr.P.Durai Pandian, Advocate, SR.No. 43292

+1CC to the Special Government Pleader SR.No.44019

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