



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.1276 of 2018

N.Sasikala

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram.

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to release the lorry bearing Reg.No.TN-48-AE-7099 seized by the second respondent on 12.01.2018 to the petitioner.

For Petitioner : Mr.P.Mani Anandh

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's vehicle namely lorry bearing Reg.No.TN-48-AE-7099 seized by the second respondent on 12.01.2018.

2.Heard Mr.P.Mani Anandh, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

3.According to the petitioner, the vehicle in question has not been used for any illegal transportation. But the second respondent has seized the vehicle on 12.01.2018 on the allegation that it was used to transport savudu sand and the same is false and concocted one. Hence, this writ petition has been filed.

4.On the other hand, it is submitted by the learned Government Advocate that the vehicle in question was found in possession of sand without any valid permit and hence it was seized.

5.In any event, as the vehicle is under the custody of the respondents from 12.01.2018 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.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. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

+1cc to M/S.T. Lenin Kumar, Advocate SR.No. 43808

WP (MD) No.1276 of 2018
24.01.2018

mj

JM/SKN RSK/SAR 1/25.01.2018/2P/4C