



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.1382 of 2018

M.Rameshkumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

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

... 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 the petitioner's vehicle viz, Tractor bearing registration No.TN 65 AY 5910 from the custody of the second respondent police and to hand over the above vehicle to the petitioner by considering the petitioner's representation dated 20.01.2018 within the time limit that may be stipulated by this Court.

For Petitioner

:Mr.M.S.Jeyakarthik

For Respondents

:Mr.P.Kannithevan

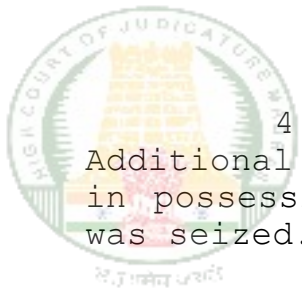
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the first respondent to release the petitioner's vehicle viz., Tractor bearing registration No.TN 65 AY 5910 from the custody of the second respondent police and to hand over the above vehicle to the petitioner by considering the petitioner's representation dated 20.01.2018.

2.Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader 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 06.01.2018 without assigning any reason. Hence, this writ petition has been filed.



4. On the other hand, it is submitted by the learned Additional Government Pleader that the vehicle in question was found in possession of river 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 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 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 (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer, Paramakudi,
Ramanathapuram District.

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

+1CC to Mr. M.S. Jeyakarthik, Advocate, SR.No. 44219

WP (MD) No.1382 of 2018

24.01.2018