



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.169 of 2018

A.Ameerkhan

... Petitioner

Vs.

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

2. The Inspector of Police,
Kenikkarai 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 1st respondent for release petitioner's lorry bearing Registration No. TN 39 BZ 0702 Chassis No. MAT361098B2C07501 Engine No. 697TC66CYY109044 TATA Tipper seized on 27.12.2017 by the 2nd Respondent by considering the petitioner's representation dated on 30.12.2017.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the first respondent to release petitioner's lorry bearing Registration No.TN-39-BZ-0702, Chassis No.MAT361098B2C07501, Engine No. 697TC66CYY109044, TATA Tipper seized on 27.12.2017 by the second respondent by considering the petitioner's representation dated on 30.12.2017.

2.Heard Mr.D.Rameshkumar, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents.

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

3.According to the petitioner, even though he plied the said vehicle with all relevant documents, the second respondent



seized the same on 27.12.2017 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 27.12.2017 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.25,000/- (Rupees Twenty Five 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(CO)

/True Copy/

Sub Assistant Registrar

To

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



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

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+1cc to Mr.D.Rameshkumar, Advocate Sr.No.40509

SMS

VB/SKN/RSK/SAR2/11/01/2018/3P/4C

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