



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.1699 of 2018

and

W.M.P.(MD)No.1799 of 2018

P.Periyasamy

... Petitioner

Vs.

1.The Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Thasildar,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to release the Tractor and trailer bearing Registration No.TN 63 C 7425, seized on 08.01.2018, which is in the custody of the respondents by considering the representation of the petitioner dated 19.01.2018.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents

: M/S.J.Padmavathi Devi

Special Government Pleader.

ORDER

This Writ Petition has been filed for seeking a direction to the respondent to release the Tractor and trailer bearing Registration No.TN 63 C 7425, seized on 08.01.2018, which is in the custody of the respondent by considering the representation of the petitioner dated 19.01.2018.

2.According to the petitioner, he is the owner of the tractor bearing Registration No.TN 63 C 7425 and the same was seized by the second respondent while carrying the Savadu soil on 18.01.2017. The petitioner approached the respondents seeking release of the vehicle, but the respondents have refused to release the vehicle. Hence, he filed the Writ Petition. He stated that even though the petitioner has plied the said vehicle with all relevant documents, the Thasildar, Kadaladi Taluk, Ramanathapuram District, seized the vehicle.



3. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle was seized as it was plying without valid papers including registration certificate book and transport permit for transporting sand.

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4. In any event, as the vehicle is under the custody of the respondents having been seized on 08.01.2017 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 can be released by imposing conditions on the petitioner for release of the said vehicle.

5. 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 documents before the second respondent to establish the ownership of the vehicle in question;

(ii) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the second respondent herein;

(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; and

(v) The petitioner shall not alienate the vehicle in question till the disposal of any proceedings initiated the authority concerned."

6. This Writ petition is ordered accordingly. No costs. Consequently, W.M.P. (MD) No.1799 of 2018 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1.The Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Thasildar,
Kadaladi Taluk,
Ramanathapuram District.

+1cc to M/S.S.C.Herold Singh, Advocate SR.No. 44811

W.P (MD) No.1699 of 2018
and
W.M.P. (MD) No.1799 of 2018
30.01.2018

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JM/SKN RSK/SAR 2/30.01.2018/3P/4C