



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.1990 of 2018

and

WMP(MD)No.2332 of 2018

N.Prabakaran

... Petitioner

Vs.

1. The District Collector,
Sivagangai.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildar,
Avudaiyarkovil,
Pudukottai District.

4. The Tahsildar,
Devakottai,
Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 and 4 herein to release the vehicle (Tipper Lorry) bearing registration No.TN 18 C 2229 to the petitioner forthwith.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition has been filed seeking direction to the respondents 2 and 4 to release the vehicle (Tipper Lorry) bearing registration No.TN 18 C 2229 to the petitioner forthwith.

2.Heard Mr.S.Manikandan, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.



3. The learned counsel appearing for the petitioner submitted that the vehicle in question has not been used for any illegal transportation. But the fourth respondent has erroneously seized the vehicle in question on 06.01.2018. Hence, this writ petition has been filed.

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4. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicle in question was used for transportation of sand from Government quarry 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 2 to 4 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 second 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. Consequently, WMP(MD)No.2332 of 2018 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1. The District Collector,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Avudaiyarkovil,
Pudukottai District.
4. The Tahsildar,
Devakottai,
Sivagangai District.

+ 1 cc TO Mr.S.Manikandan , Advocate in SR No. 45817

sms

AE/RSK/SAR2/07.02.2018/3P/6C

WP (MD) No.1990 of 2018
01.02.2018