



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.2003 of 2018

Nallamuthu

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Musiri,
Trichy District.

2. The Sub Inspector of Police,
Vathalai Police Station,
Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to release the vehicle of the petitioner having a registration No.TN 28 CC 1047.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.P.Kannidevan
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's vehicle bearing registration No.TN 28 CC 1047.

2.Heard Mr.S.Muthukrishnan, learned counsel appearing for the petitioner and Mr.P.Kannidevan, learned Additional Government Pleader 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 respondents have erroneously seized the vehicle in question on 04.01.2018. Hence, this writ petition has been filed.

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4.On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that



the vehicle in question was used for transportation of river sand and hence it was seized.

5. In any event, as the vehicle is under the custody of the respondents from 04.01.2018 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.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

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

1. The Revenue Divisional Officer,
Musiri, Trichy District.



2. The Sub Inspector of Police,
Vathalai Police Station,
Trichy District.

+ 1 cc TO Mr.S.Muthukrishnan , Advocate in SR No. 45450

sms

AE/RSK/SAR1/08.02.2018/3P/4C

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