



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANW.P.(MD) No.2078 of 2018

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S.Petchikutti

... Petitioner

Vs.

1.The Sub Collector cum Revenue Divisional Officer,
Sub Collector Office,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Thoothukudi.

3.The Sub Inspector of Police,
Morappanadu Police Station,
Morappanadu,
Thoothukudi 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 petitioner's vehicle bearing Registration No. TN69K2239, make Tata 407, Chasis No.357176ATZ802100 and Engine No.497SPTC35ATZ806033 with any stringent conditions within stipulated time to be fixed by this Court.

For Petitioner

: Mr.S.Sivasubramanian

For Respondents

: Mrs.J.Padmavathi Devi

Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's vehicle bearing Registration No. TN69K2239, make Tata 407, Chasis No.357176ATZ802100 and Engine No.497SPTC35ATZ806033 with any stringent conditions.

2.Heard Mr.S.Sivasubramanian, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special 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 third respondent has erroneously seized the vehicle in question on 10.01.2018. Hence, this writ petition has been filed.

4. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle in question was used for transportation of one unit sand and hence it was seized.

5. In any event, as the vehicle is under the custody of the respondents from 10.01.2018 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 (C.O)

/True Copy/

Sub-Assistant Registrar



To

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1.The Sub Collector cum Revenue Divisional Officer,
Sub Collector Office,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Thoothukudi.

3.The Sub Inspector of Police,
Morappanadu Police Station,
Morappanadu,
Thoothukudi District.

+One cc to Mr.S.Siva Subramanian, Advocate, SR.No.45475

+One cc to The Special Government Pleader, SR.No.46217

sms

RL/6C/3P/SV/SAR2/9/2/2018

W.P (MD) No.2078 of 2018

01.02.2018 (1/3)