



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2469 of 2018

WEB COPY

Muthuselvan

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

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

3.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 directing the 2nd Respondent to release his lorry bearing Registration No.TN-31-AE-6069 Engine No.697TC69AXY101999 Chasis No.MAT373178C1A01902 seized by the 3rd Respondent Police without any load on 29/01/2018 by considering the Petitioner's representation dated 05/02/2018.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.P.Kannidevan,

Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the second respondent to release the petitioner's lorry bearing Registration No.TN-31-AE-6069 Engine No.697TC69AXY101999 Chasis No.MAT373178C1A01902 seized by the third respondent police without any load on 29.01.2018 by considering the petitioner's representation dated 05.02.2018.

2.Heard Mr.D.Rameshkumar, learned counsel appearing for the petitioner and Mr.P.Kannidevan, learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, he is the owner of the lorry bearing Registration No.TN-31-AE-6069. While the lorry was parked in front of his driver's house, the third respondent police seized the vehicle on the ground that the vehicle was involved in transporting sand. Subsequently, a crime was also registered against him. According to the petitioner, the vehicle has not involved in any



illegal transporting of sand and also produced a photograph showing that the lorry has been seized without any sand.

4. On the other hand, it is submitted by the learned Special Government Pleader that while the petitioner was attempting to load sand in the river bed, the third respondent has intercepted the vehicle and seized it and a crime has also been registered against him.

5. Considering the fact that the lorry has been seized without any sand and only allegation is that he is attempting to load sand and the vehicle is under the custody of the authorities, having been seized on 29.01.2018, 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.10,000/- (Rupees Ten 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."

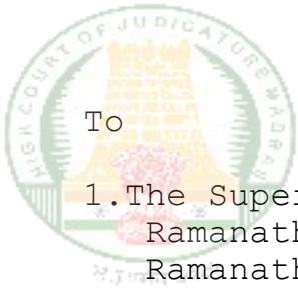
7. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

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

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

+1cc to M/S.D.Ramesh Kumar, Advocate SR.No. 46694

+1cc to Special Government Pleader, SR.No. 47212

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SMS

JM/SV MMS/SAR 1/08.02.2018/3P/6C