



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2558 of 2018

WEB COPY

K.Senthil Kumar

... Petitioner

Vs.

The Inspector of Police,
Devakottai Police Station,
Sivagangai District,
Crime No.24 of 2018

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to release the petitioner vehicle Tipper Lorry Bearing registration No.TN 01 H 2494 seized by the respondent police based on the representation dated 05.02.2018.

For Petitioner : Mr.C.Ezhilarasu
For Respondent : Mr.P.Kannidevan,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondent to release the petitioner's Tipper Lorry bearing Registration No.TN 01 H 2494 seized by the respondent police by considering the representation of the petitioner, dated 05.02.2018.

2.According to the petitioner, even though he plied the said vehicle with all relevant documents, the respondent seized the same on 23.01.2018 and it is specifically submitted that the petitioner has no bad antecedents.

3.On the other hand, it is submitted by the learned Additional Government Pleader that the vehicle was seized as it was plying without valid papers including registration certificate books and transport permits for transporting sand.

4.In any event, as the vehicle is under the custody of the authorities, having been seized on 23.01.2018 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 respondent, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

5.Accordingly, the respondent is 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 respondent 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 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 respondent;

(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 respondent."

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Devakottai Police Station,
Sivagangai District,

+1cc to Special Government Pleader, SR.No. 47642
+1cc to M/S.C.Ezhilarasu, Advocate SR.No. 47000

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sms

JM/SV MMS/SAR 1/15.02.2018/2P/4C