



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2614 of 2018

WEB COPY

R.Paulsamy

... 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 direct the second respondent to release the Petitioners earth moving vehicle (Mahindra and Mahindra Ltd.) bearing Registration No. TN-65-U-3867 Chassis No.: 0014J2663 Engine No.: PUNEEKLA10175 seized on 29.01.2018 by the 3rd Respondent by considering the representation of the petitioner, dated on 05.02.2018, within a time stipulated by this Court.

For Petitioner

:Mr.D.Rameshkumar

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 earth moving vehicle (Mahindra and Mahindra Ltd.,) bearing Registration No.TN-65-U-3867 Chassis No.:0014J2663, Engine No.: PUNEEKLA10175 seized on 29.01.2018 by the third Respondent by considering the representation of the petitioner, dated on 05.02.2018.

2.According to the petitioner, he is the owner of the above said vehicle. When the said vehicle parked in front of his house, the third respondent has seized the vehicle on the ground that the vehicle has involved in illegal sand quarry 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 near river and they are attempting to quarry sand illegally.

4.In any event, as the vehicle is under the custody of the authorities, having been seized on 29.01.2018 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.

5. 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.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."

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

Sd/-

Assistant Registrar (P&A)

/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 Mr. D. RAMESH KUMAR, Advocate, SR.47365

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SMS

KK/SV MMS/SAB 2/13.02.2018/ 2P- 5C/