



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2756 of 2018

WEB COPY

Murugan

... Petitioner

Vs.

1.The Sub Collector,
Thoothukudi.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

3.The Inspector of Police,
Murrappanadu Police Station,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to release the vehicle to petitioner bearing registration No.TN72 AC 0079 having engine no.4973PTC35HRZ625511 and Chassis number 357176HRZ823753.

For Petitioner

: Mr.K.P.Narayanakumar

For Respondents

:Mr.M.Rajarajan,
Government Advocate.

ORDER

This writ petition has been filed seeking direction to the respondents to release the vehicle bearing registration No.TN72 AC 0079 having engine no.4973PTC35HRZ625511 and Chassis number 357176HRZ823753 to the petitioner.

2.According to the petitioner, even though he plied the said vehicle with all relevant documents, the second respondent seized the same on 13.11.2017 and it is specifically submitted that the petitioner has no bad antecedents.

3.On the other hand, it is submitted by the learned Government Advocate 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 13.11.2017 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.25,000/- (Rupees Twenty Five 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 (CO)

/True copy/

Sub Assistant Registrar

To

1. The Sub Collector,
Thoothukudi.

2. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

3. The Inspector of Police,
Murrappanadu Police Station,
Srivaikundam Taluk,
Thoothukudi District.

+1cc to Mr.K.P.NARAYANAKUMAR, Advocate, SR.48101

+1cc to M/S.Special Government Pleader, SR. 48657

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