



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.2896 of 2018

Parvathi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2. The Tahsildar,
Kamuthi,
Ramanathapuram District.

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st Respondent to release the petitioner's Tipper Lorry bearing Registration No.TN- 69 - AB-5063 seized by the 3rd respondent on 01.02.2018 by considering the petitioner's representation dated 05.02.2018.

For Petitioner	: Mr.J.Karthikeyan
For Respondents	: Mr.M.Rajarajan Government Advocate

ORDER

This writ petition has been filed seeking direction to the first respondent to release the petitioner's Tipper lorry bearing Registration No.TN- 69 - AB-5063 seized by the third respondent on 01.02.2018 by considering the petitioner's representation dated 05.02.2018.

2.Heard Mr.J.Karthikeyan, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices> According to the petitioner, the third respondent has seized the vehicle in question on 01.02.2018 on the ground that the petitioner has violated the route conditions while



transporting savudu sand. When the petitioner approached the respondents, they refused to release the vehicle. Hence, this writ petition has been filed.

4. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents submitted that even though permit has been granted to the petitioner, it was violated by him. Hence, the vehicle in question was seized.

5. In any event, as the vehicle is under the custody of the respondents from 01.02.2018 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 from the date of receipt of a copy of this order 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(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.



2. The Tahsildar,
Kamuthi,
Ramanathapuram District.

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

+1cc to Mr.R.Gandhi, Advocate Sr.No.48088
+1cc to Spl.Government Pleader Sr.No.48640

MJ

VB/SV/MMS/SAR3/20.02.2018/3P/6C

WP (MD) No.2896 of 2018
13.02.2018