



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2918 of 2018

Balasubramanian

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police,
Thiruvadanai Police Station,
Ramnad 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 petitioners vehicle viz., JCB (Earth Moving Equipment Engine No.H00148668 - Chasis No.HAR3DXSSV02532780) bearing Reg.No.TN-65-AE-2029 seized by the 2nd Respondent on 28.1.2018 on the basis of the Petitioners representation dated 5.2.2018.

For Petitioner

: Mr.D.Rameshkumar

For Respondents

: Mr.P.Kanni Devan

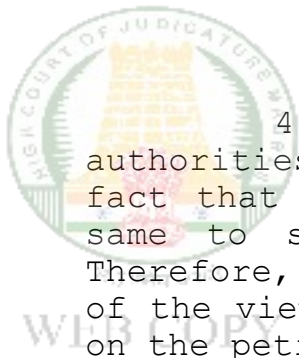
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's vehicle viz., JCB (Earth Moving Equipment Engine No.H00148668, Chasis No.HAR3DXSSV02532780) bearing Regn.No.TN-65-AE-2029 seized by the second respondent on 28.1.2018 by considering the representation of the petitioner dated 05.2.2018.

2.According to the petitioner, he is the owner of the said vehicle and even though he plied the said vehicle with all relevant documents, the second respondent seized the same on 28.01.2018 on the ground that the vehicle has involved in illegal quarrying of sand and a crime has been registered in Crime No.16 of 2018.

3.On the other hand, it is submitted by the learned Additional Government Pleader that the vehicle was seized as it was involving in illegal quarrying of sand in Pasani river, Thiruvadanai 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 28.01.2018 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.1,00,000/- (Rupees one lakh 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."

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Ramanathapuram.

2. The Inspector of Police,
Thiruvadanai Police Station,
Ramnad District.

+ 1 CC TO Mr. RAMESHKUMAR, ADVOCATE IN SR No. 48696

SMS

TE/SV-MMS/SAR-2 : 21/02/2018 : 2P/4C