



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.3090 of 2018

V.Dharmar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.

2.The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus direct the first respondent to release the petitioner's vehicle of Tata tipper lorry bearing registration No.TN 65 X 9990 from the custody of the second respondent police and to hand over the above vehicle to the petitioner by considering the petitioner's representation dated 13.02.2018.

For Petitioner : Mr.M.S.Jeyakarthik

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 Tata tipper lorry bearing registration No.TN 65 X 9990 from the custody of the second respondent and to hand over the same to the petitioner, by considering the petitioner's representation dated 13.02.2018.

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

3.The learned counsel appearing for the petitioner submitted that the vehicle in question has not been used for any illegal transportation. But the second respondent, without any reason has seized the vehicle on 09.02.2018. When the petitioner approached the respondents, they refused to release the vehicle. Hence, he filed this writ petition.

4.On the other hand, it is submitted by the learned Government Advocate appearing for the respondents submitted that the vehicle in question was found in possession of savudu without



any valid permit and hence, it was seized.

5. In any event, as the vehicle is under the custody of the respondents from 09.02.2018 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 (AS)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.

2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

+1cc to Mr. M. S. JEYAKARTHIK, Advocate, SR. 48829

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