



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.3395 of 2018

Prabhakaran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai 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 petitioner's Vehicle viz Swaraj Tractor which is yet to be registered and having Chasis No. is WSTG40622101510 and Engine No is 4310248YG18660 seized by the 2nd respondent on 8/2/2018 on the basis of the petitioner's representation dated 12.2.2018.

For Petitioner : Mr.R.Vinoth

For Respondents: Mr.P.Kannidevan,

Additional Government Pleader.

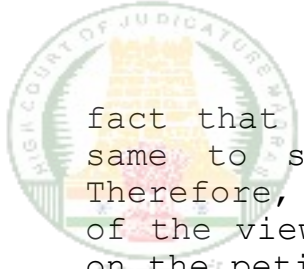
ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's vehicle viz., Swaraj Tractor which is yet to be registered having Chasis No.WSTG40622101510 and Engine No.4310248YG18660 seized by the second respondent on 08.02.2018.

2.According to the petitioner, he claims to be owner of the above said vehicle which is yet to be registered. The said vehicle was seized by the second respondent on the ground that the petitioner is illegally transporting sand and thereafter, a criminal case was also registered in Crime No.11 of 2018 for the offence under Section 379 IPC and Section 21(4) of the Tamil Nadu Mines and Minerals Act, 1959 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 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 08.02.2018 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.

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 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. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (P & A)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2. The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.

+1cc to M/S.VINOTH, Advocate SR.No.49776.

Writ Petition (MD) No.3395 of 2018
20.02.2018