



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.3468 of 2018

R.Panaiyammal

... Petitioner

Vs.

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

2.The Inspector of Police,
Devakottai Town 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 petitioners lorry bearing registration No.TN 38 BS-0965 Chassis No.PFE604068 Engine No:PEH430372 Ashok Leyland Lorry seized on 12/02/2018 by the 2nd Respondent by consider petitioners valid permit vide 52598/12/02/2018 and representation dated on 16/02/2018 within a time stipulated by this Court.

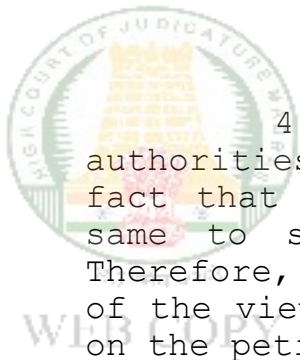
For Petitioner : Mr.G.Dinesh

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader.ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's lorry bearing Registration No.TN-38-BS-0965, Chassis No.PFE604068, Engine No:PEH430372 Ashok Leyland Lorry which was seized on 12.02.2018 by the second respondent by considering the petitioner's valid permit vide 52598/12/02/2018 and representation dated on 16.02.2018.

2.According to the petitioner, the petitioner's lorry while transporting sand under valid permit from Mayiladurai to Madurai, on the way at Devakottai, the second respondent police intercepted and seized the lorry. The petitioner has also submitted a representation dated 16.02.2018 to release the lorry. Since no order has been passed, the present writ petition has been filed.

3.On the other hand, it is submitted by the learned Special Government Pleader that even though permit was granted to transport sand from Mayiduthurai to Madurai, the petitioner has gone to Devakottai to sell the sand and therefore, the vehicle was seized as it was plying in violation of permit already issued.



4. In any event, as the vehicle is under the custody of the authorities, having been seized on 12.02.2018 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.10,000/- (Rupees ten 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 (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

+1CC to Mr. G. Dinesh, Advocate, SR.No. 50002

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