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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.3545 of 2018

M.Saravanan ... Petitioner

Vs.

1.The Revenue Divisional Officer cum
Executive Magistrate,
Ramanathapuram, Ramanathapuram District.

2.The Sub Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram 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 his vehicle namely Tipper Lorry bearing its registration No.TN.38 AA 5721.

For Petitioner : Mr.R.Anand
For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondents to release his vehicle namely, Tipper Lorry bearing its registration No.TN.38 AA 5721.

2.Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, even though he plied the said vehicle with all relevant documents, the second respondent seized the same on 07.02.2018 and it is specifically submitted that the petitioner has no bad antecedents.

4.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.

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5.In any event, as the vehicle is under the custody of the authorities, having been seized on 07.02.2018 and considering the

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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 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.50,000/- (Rupees Fifty 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 cum
Executive Magistrate,
Ramanathapuram, Ramanathapuram District.

2.The Sub Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

+1CC to Mr.R.Anand, Advocate, SR.No. 50527
+1CC to the Special Government Pleader SR.No.50615

Writ Petition (MD) No.3545 of 2018
21.02.2018

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