



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.389 of 2018

D.Balakrishnan

... Petitioner

Vs.

1.The Revenue Divisional Officer / Sub Collector,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to release the petitioner's Tipper bearing Registration No.TN65-W2580 within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.M.R.Sreenivasan
: Mr.J.Padmavathi Devi,
Special Government Pleader.

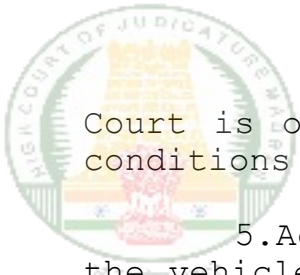
ORDER

This Writ Petition has been filed for seeking a direction to the first respondent respondent to release the petitioner's Tipper bearing Registration No.TN65-W2580 within the time stipulated by this Court.

2.According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the second respondent seized the vehicle.

3.On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicle was seized as it was plying without valid papers including registration certificate book and transport permit for transporting river sand.

4. In any event, as the vehicle is under the custody of the first respondent having been seized on 27.12.2017 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 first respondent, this



Court is of the view that the vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.

5. Accordingly, the first respondent is 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 documents before the first respondent to establish the ownership of the vehicle in question;

(ii) Keeping in view the fact that the petitioner's vehicle got involved in the similar offence on earlier occasions, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the first respondent herein;

(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; and

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned."

6. This Writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar

To

1. The Revenue Divisional Officer / Sub Collector,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

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

+One cc to Mr. M.R. Sreenivasan, Advocate, SR.No.41809

+One cc to The Special Government Pleader, SR.No.41765

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JM/5C/2P/SKN/RSK/SAR2/11/1/2018