



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.428 of 2018

G.Karthick

... Petitioner

Vs.

1.The Sub Collector cum
1st Class Executive Magistrate,
Paramakudi,
Ramanathapuram District.

2.The Inspector of Police,
Keelathoval Police Station,
Keelathoval,
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 the petitioner vehicle 407 Tipper Lorry bearing registration No.TN-69-M-1593 seized by the 2nd respondent police based on the petitioner's representation dated 05.01.2018.

For Petitioner	: Mr.K.Baalasundharam
For Respondents	: Mr.P.Kannithevan Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's vehicle 407-Tipper Lorry bearing Registration No.TN-69-M-1593 seized by the 2nd respondent police by considering the representation of the petitioner dated 05.01.2018.

2.Heard Mr.K.Baalasundharam, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Special 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 02.01.2018 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.

5. In any event, as the vehicle is under the custody of the authorities, having been seized on 02.01.2018 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 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 (T & P)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector cum
1st Class Executive Magistrate,
Paramakudi,
Ramanathapuram District.

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

+1cc to M/S.K.BAALASUNDHARAM, Advocate SR.No.41412.

+1cc to Special Government Pleader in SR.No.42288.

Writ Petition (MD) No.428 of 2018
10.01.2018

sms

SDS/RSK/SAR 4/19.01.2018/3P/5C