



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.4353 of 2018

V.Manickam

... Petitioner

Vs.

1. The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam, Thanjavur District.

2. The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to release the petitioner's lorry bearing Registration No.TN 47 AB 4588.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.P.Kanni Devan

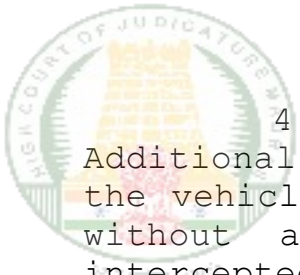
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's lorry bearing Registration No.TN 47 AB 4588.

2.Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.P.Kanni Devan, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, he is the owner of the lorry bearing Registration No.TN 47 AB 4588. While the lorry was engaged in levelling the agricultural lands of one Rajathi, the first respondent has seized the vehicle, on the ground that the lorry was involved in illegal transportation of sand. When the petitioner approached the respondents to release the vehicle, they refused to return the same. Hence, this writ petition has been



4. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle in question was used for transportation of river sand without any valid permit. Hence, the first respondent has intercepted the vehicle and seized the same.

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5. In the above circumstances, without going into the merits of the case, as the vehicle is under the custody of the respondents 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.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."

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

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

<https://hcservices.hccourts.gov.in/hcservices/>
1. The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam, Thanjavur District.



2. The Inspector of Police,
Papanasam Police Station,
Thanjavur District.

+1. CC to M/S.B.Jameel Arasu, Advocate SR.No.52728

WP(MD) No.4353 of 2018
01.03.2018

mj

MKV-PM-PN-SAR 4/5.3.2018/3P-4C