



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.4749 of 2018

WEB COPY

P.Duraipandian

... Petitioner

Vs.

The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to release the petitioner's vehicle TIPPER LORRY bearing Reg.No.TN 65 AB 7777 seized on 08.02.2018 by the respondent by considering the petitioner's representation dated 28.02.2018 within the time limit stipulated by this Court.

For Petitioner : Mr.P.Muthupandi
For Respondent : Mr.P.Kannidevan,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondent to release the petitioner's vehicle TIPPER LORRY bearing Reg.No.TN-65-AB-7777 seized on 08.02.2018 by the respondent by considering the petitioner's representation dated 28.02.2018 within the time limit stipulated by this Court.

2.According to the petitioner, he is the owner of the lorry bearing Reg.No.TN-65-AB-7777 and the vehicle was engaged to transport gravel from quarry owned by one N.Sabarikumar. According to the petitioner, even though the petitioner's lorry is transporting gravel under valid permit, the respondent seized the same on 08.02.2018 and it is specifically submitted that the petitioner has no bad antecedents.

3.On the other hand, it is submitted by the learned Additional Government Pleader that the vehicle was seized as it was transporting river sand from Vaigai river without valid permit.

4.In any event, without going into the rival contentions as the vehicle is under the custody of the authorities, having been seized on 08.02.2018 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 respondent, 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 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 necessary documents before the respondent 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 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 respondent;

(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 respondent."

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

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

+1cc to M/S.P.Muthupandi, Advocate SR.No. 53572

+1cc to Special Government Pleader, SR.No. 53916

Writ Petition (MD) No.4749 of 2018

07.03.2018

SMS

JM/SKN RSK/SAR 3/13.03.2018/2P/4C