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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.5303 of 2018

Murugan ... Petitioner

Vs.

1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District. ... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to release the petitioners tractor bearing Registration No.TN-63-H-2171 forthwith in the light of his representation dated 17/02/2018.

For Petitioner : Mr.R.Venkateswaran
For Respondents : Mr.P.Kannidevan,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the first respondent to release the petitioner's tractor bearing Registration No.TN-63-H-2171 forthwith by considering the representation of the petitioner dated 17.02.2018.

2.According to the petitioner, even though he plied the said vehicle with all relevant documents, the second respondent seized the same on 22.01.2018 on the ground that the petitioner's vehicle is transporting river sand without valid permits 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 plying without valid transport permits for transporting sand.

4.Without going into the rival claim, in any event, as the vehicle is under the custody of the authorities, having been seized on 22.01.2018 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

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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.

5.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.10,000/- (Rupees ten 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."

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

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

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

+1CC TO M/S.R.VENKATESWARAN, ADVOCATE, SR NO.54837
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55141

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