



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM :

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**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

Writ Petition (MD) No.5540 of 2018

C.Joseph

... Petitioner

Vs.

1.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Pudukottai,  
Pudukottai District.

2.The Tahsildar,  
Karambakudi (Taluk),  
Pudukottai District.

3.The Sub Inspector of Police,  
Malayoor, Pudukottai District.

.. Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus to direct the respondents 1 & 2 to release the petitioners Tipper Lorry bearing Registration No.TN55-AC-1616 within the time Stipulated by this Hon'ble Court.

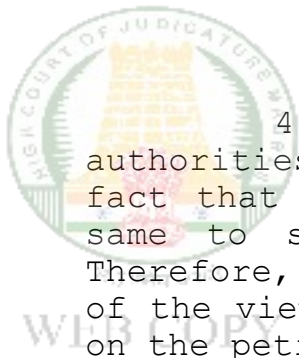
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|-----------------|------------------------------------------|
| For Petitioner  | : Mr.T.S.Mohamed Mohideen                |
| For Respondents | : Mr.M.Rajarajan,<br>Government Advocate |

**ORDER**

This writ petition has been filed seeking direction to the the respondents 1 & 2 to release the petitioner's Tipper Lorry bearing Registration No.TN55-AC-1616.

2.According to the petitioner, while he was transporting the sand for construction purpose, the lorry was seized by the second respondent on the ground that he was transporting sand without valid permit. Even though he produced relevant documents before the third respondent, the second respondent seized the same on 13.03.2018 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 sand without transport permits.



4. In any event, as the vehicle is under the custody of the authorities, having been seized on 13.03.2018 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.

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.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."

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

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Pudukottai, Pudukottai District.

2. The Tahsildar,  
Karambakudi (Taluk), Pudukottai District.

3. The Sub Inspector of Police,  
Malayoor, Pudukottai District.

+1CC TO M/S.T.S.MOHAMED MOHIDHEEN, ADVOCATE, SR NO.55480

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55975

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