



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WP (MD) No.5562 of 2018

Nithiyanantham

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.

2.The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus to direct the first respondent to release the petitioner's vehicle of Tractor bearing registration No.TN 65 AX 2401 from the custody of the second respondent and to hand over the above vehicle to the petitioner by considering the petitioner's representation dated 13.03.2018.

For Petitioner	: Mr.M.S.Jeyakarthik
For Respondents	: Mr.M.Rajarajan
	Government Advocate

ORDER

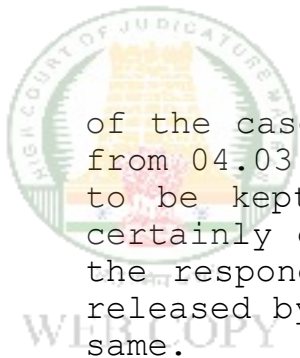
This writ petition has been filed seeking direction to the first respondent to release the petitioner's vehicle viz., Tractor bearing registration No.TN 65 AX 2401 from the custody of the second respondent and to hand over the above vehicle to the petitioner by considering his representation dated 13.03.2018.

2.Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents.

3.According to the petitioner, he is the owner of the tractor bearing registration No.TN 65 AX 2401. The above vehicle was seized by the second respondent police on the ground that the tractor was used for illegal transportation of river sand. When the petitioner approached the respondents to release the vehicle, they refused to return it. Hence, this writ petition has been filed.

4.On the other hand, the learned Government Advocate appearing for the respondents submitted that the petitioner has transported river sand illegally without any valid permit and a case has also been registered in crime No.22 of 2018 on the file of the second respondent.

5.In the above circumstances, without going into the merits



of the case, as the vehicle is under the custody of the respondents from 04.03.2018 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.

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.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."

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

Sd/

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.

2. The Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.

+1cc to Mr. M.S. Jeyakarthik, Advocate, SR.No.55593

+1cc to M/s. Special Government Pleader, SR.No. 55974

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15.03.2018

MJ

KK/SKN RSK/16.03.2018/SAR-4/2P-5C