



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.5931 of 2018

C.Duraipandi

... Petitioner

Vs.

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st respondent to release the petitioner's vehicle of Tractor and Trailer bearing Serial No.MBNADANBEHZF 00013 and Engine No.NHF6 CAJ 0183 from the custody of the 2nd respondent's police and to hand over the above vehicle to the petitioner by considering the petitioners representation dated 17.03.2018 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

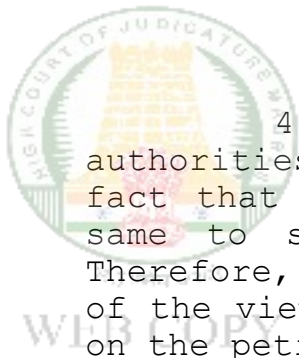
For Respondents : Mr.P.Kannidevan,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the first respondent to release the petitioner's vehicle namely, Tractor and Trailer bearing Serial No.MBNADANBEHZF 00013 and Engine No.NHF6 CAJ 0183 from the custody of the second respondent police and to hand over the above vehicle to the petitioner by considering the representation of the petitioner dated 17.03.2018.

2.According to the petitioner, he is the owner of the above said vehicle which has been seized by the second respondent on the ground that the petitioner is illegally transporting sand in the said vehicle without any valid permit 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 papers and transport permits for transporting sand.



4. In any event, as the vehicle is under the custody of the authorities, having been seized on 12.03.2018 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.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 (CS-I)

/True copy/

Sub Assistant Registrar

To

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

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

+1CC TO M/S.M.S.JEYAKARTHIK, ADVOCATE, SR NO.56906

Writ Petition (MD) No.5931 of 2018

21.03.2018