



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.6558 of 2018

Kamatchi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti, Madurai District.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Inspector of Police,
Vadipatti Police Station,
Vadipatti, Madurai District.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the petitioner's lorry vehicle bearing registration No.TN33 AW 6277.

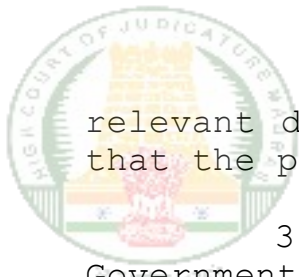
For Petitioner : Mr.Pon Karthikeyan for
M/s.J.Pon Eswara Moorthy

For Respondent : Mr.M.Rajarajan
Government Advocate.

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's lorry bearing registration No.TN-33-AW-6277.

2.According to the petitioner, the petitioner is the owner of the above said vehicle which was seized on the ground that the petitioner was transporting red sand in violation of the transport permit issued by the authorities by the Revenue Divisional Officer, Usilampatti and thereafter, it was handed over to the Revenue Divisional Officer, Madurai. He would further contend that even though the said vehicle was plied with all



relevant documents it was seized and it is specifically submitted that the petitioner has no bad antecedents.

3. On the other hand, it is submitted by the learned Government Advocate that as the vehicle was plying in violation of transport permit already granted to the petitioner, it was seized.

4. In any event, as the vehicle is under the custody of the authorities, having been seized on 18.03.2018 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 first 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 first 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 first respondent 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 she 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 (AD-II)

/True Copy/



To

1.The Revenue Divisional Officer,
Usilampatti, Madurai District.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Inspector of Police,
Vadipatti Police Station,
Vadipatti, Madurai District.

+1. C.C. to M/S.J.PONESWARAMOORTHY, Advocate, SR.No.58076.

+1. C.C. to Special Government Pleader, SR.No.59039.

Writ Petition (MD) No.6558 of 2018
27.03.2018

sms

SDS/MM:PN/SAR.1/28.03.2018/3P/6C