



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.658 of 2018

WEB COPY

Prakash

... Petitioner

Vs.

1.The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to release the petitioner's JCB bearing Registration No.TN 32 T 8574 and within a time stipulated by this Court.

For Petitioner	: Mr.B.Jameel Arasu
For Respondents	: Mrs.J.Padmavathi Devi Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to release the petitioner's JCB bearing Registration No.TN 32 T 8574.

2.Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, the vehicle in question has not been used for any illegal transportation. But the second respondent has seized the same without assigning any reason. Hence, this writ petition has been filed.

4.On the other hand, it is submitted by the learned Special Government Pleader that the vehicle in question was involved in illegal digging of the lands and hence it was seized.

5.In any event, as the vehicle is under the custody of the authorities 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 (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam,
Thanjavur District.

2. The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.

+1cc to M/S.B. Jameel Arasu, Advocate SR.No. 41992

+1cc to Special Government Pleader, SR.No. 42295

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11.01.2018