



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.6942 of 2018

V.Kombaiah

... Petitioner

Vs.

1.The Sub Collector /
Revenue Divisional Officer,
Tuticorin.

2.The Tahsildar,
Taluk Office,
Srivaigundam,
Tuticorin District.

3.The Inspector of Police,
Murappanadu Police Station,
Murappanadu,
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's vehicle bearing registration No.TN69-F-4699 TATA 407, Engine No.497SPTC31AXZ851126, Chassis No.357127AXZ800457 with any stringent conditions considering the petitioner's representation dated 08.03.2018 within stipulated time as prescribed by this Court.

For Petitioner : Mr.Sivasubramanian

For Respondents : Mr.Aayiram K.Selvakumar,
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to release the petitioner's vehicle bearing Registration No.TN69-F-4699.

2.According to the petitioner, he is the owner of the above said vehicle and on 23.02.2018, the second respondent seized the vehicle and kept it in his custody. On 08.03.2018, the petitioner made a representation to the respondents seeking to release the vehicle, but so far, the respondents have not released the vehicle.

3.The learned Additional Government Pleader on instructions submitted that the respondents has seized the above said vehicle while transporting sand without transport permits.



4. Without going into the merits of the case, as the vehicle is under the custody of the authorities, having been seized on 23.02.2018 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, 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 vehicles 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 vehicles 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 disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector/Revenue Divisional Officer, Tuticorin.

2. The Tahsildar, Taluk Office, Srivaigundam, Tuticorin District.

3. The Inspector of Police, Murappanadu Police Station,
Murappanadu, Tuticorin District.

+1CC to Mr. S. Sivasubramanian, Advocate, SR.No. 58675

+1CC to the Special Government Pleader SR.No. 59523

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