



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.6983 of 2018

C.Muthukannan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.

2.The Inspector of Police,
Devakottai Police Station,
Devakottai,
Sivagangai 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 1 and 2 to release the petitioner's Tipper Lorry bearing Registration No.TN46-A-5752 within the time stipulated by this Court.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mrs.J.Padmavathi Devi

Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to release the petitioner's vehicle bearing Registration No.TN46-A-5752.

2.According to the petitioner, he is the owner of the above said vehicle and on 26.03.2018, the second respondent seized the vehicle and kept it in his custody. On 26.03.2018, the petitioner made a representation to the first respondent seeking to release the vehicle, but so far, the second respondent has not released the vehicle and keeping it in his custody.

3.The learned Special Government Pleader on instructions submitted that the second respondent 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 26.03.2018 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, 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.25,000/- (Rupees Twenty Five 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 (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai, Sivagangai District.

2. The Inspector of Police,
Devakottai Police Station,
Devakottai,
Sivagangai District.

+1cc to Mr. T.S. MOHAMMED MOHIDEEN, Advocate, SR.No.58651

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28.03.2018

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