



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.7421 of 2018

WEB COPY

C.Kanagavel

... Petitioner

vs.

1.The District Revenue Officer
Theni District

2.The Inspector of Police
CSCID, Uthamapalayam
Theni District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to release the lorry bearing registration No.TN20 L2664 seized by the second respondent on 08.01.2018 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.N.Shanmugaselvam
Addl. Govt. Pleader

O R D E R

The petitioner seeks for a writ of mandamus directing the first respondent to release his vehicle, namely, Lorry bearing registration No.TN20 L2664, seized on 08.01.2018 by the second respondent.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the second respondent has seized the vehicle.

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle was seized as the same was plied without valid papers, including registration certificate books and transport permits for transporting PDS Rice.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 08.01.2018 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 can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

5. Accordingly, the first respondent is directed to release the vehicle in question to the petitioner within a period of seven days from the date of receipt of a copy of this order subject to the



following conditions:

- "(i) The petitioner shall produce documents before the first respondent under whose custody the vehicle is kept, 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) for the vehicle before the first respondent herein;
- (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;
- (vi) The first respondent shall endeavour to pass final orders within a period of four weeks from the date of receipt of a copy of this order, however, this shall not be an embargo for releasing the vehicle to the petitioner; and
- (vii) The petitioner is also directed to participate in the enquiry to be conducted by the first respondent."

6. The writ petition is ordered accordingly. No costs.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To:

1.The District Revenue Officer,
Theni District.

2.The Inspector of Police,
CSCID, Uthamapalayam,
Theni District.

+1cc to Mr.T.LENINKUMAR, Advocate, SR.No. 63094

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KRK

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