



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.8173 of 2018

Meiyyan Ayyanar

... Petitioner

vs.

1.The Revenue Divisional Officer,
Thoothukudi.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

3.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

... Respondents

(R3 impleaded as per order dated 23.04.2018
in W.M.P(MD).No.8094 of 2018)

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to release the petitioner's Ashok Leyland Tipper Lorry bearing Regn.No.TN69 BD 4258 seized by the respondents on 12.03.2018, on the basis of the petitioner's representation dated 06.04.2018.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.S.Nagarajan
Special Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus, directing the respondents to release the petitioner's Ashok Leyland Tipper Lorry bearing Regn.No.TN69 BD 4258 seized by the respondents on 12.03.2018, on the basis of the petitioner's representation dated 06.04.2018.

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



3. On the other hand, it is submitted by the learned Special 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 permit for transporting sand.

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4. In any event, as the vehicle is under the custody of the first and second respondents having been seized on 12.03.2018 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 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.50,000/- (Rupees fifty thousand only) 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 is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and

(vii) The petitioner is also directed to participate in the enquiry to be conducted by the first respondent."

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer, Thoothukudi.

2. The Tahsildar, Thoothukudi Taluk, Thoothukudi District.

3. The Inspector of Police, Thattaparai Police Station,
Thoothukudi District.

+1cc to Mr. S. Deenadhayan, Advocate, SR.No.62894

RL/5C/2P/SV/MMS/SAR1/27/4/2018

W.P. (MD) No.8173 of 2018