



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8328 of 2018

WEB COPY

Arumugam

... Petitioner

Vs.

1. The District Revenue Officer, Trichy.

2. The Inspector of Police,
Civil Supplies, Crime Investigation,
Department, Trichy.

... 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 TVS XL Super two-wheeler bearing registration No.TN-48-S-3289 seized on 26.12.2017 by the second respondent to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.J.Gunaseelanmuthaiah

Additional Government Pleader

ORDER

Mr.J.Gunaseelanmuthaiah, learned Additional Government Pleader, takes notice for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner seeks for a writ of mandamus directing the first respondent to release his vehicle, namely, TVS XL Super two-wheeler bearing registration No.TN-48-S-3289, seized on 26.12.2017 by the second respondent.

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

5. 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 permit for transporting 3 bags of rice(each contains 40Kg).

6. In any event, as the vehicle is under the custody of the respondents having been seized on 26.12.2017 and considering the fact that if the same is allowed to be kept idle by exposing the same to hot 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.



7. 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.5,000/- (Rupees Five 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.”

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

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Revenue Officer, Trichy.

2. The Inspector of Police,
Civil Supplies, Crime Investigation,
Department, Trichy.

+1CC to Mr.T.Lenin Kumar, Advocate, SR.No.74110

+1CC to the Special Government Pleader SR.No. 74115

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