



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.8346 of 2018

Bharathiraja

... Petitioner

vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.

... Respondents

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 Tractor cum Trailer bearing registration No.TN 65 Y 4280 and TN 60 E 8980 and which were seized on 27.03.2018 by the second respondent.

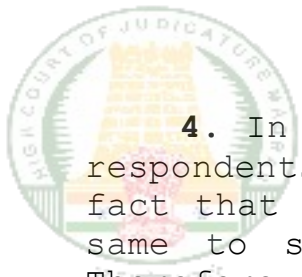
For Petitioner : Mr.D.Senthil
For Respondents : Mr.V.Anand,
Government Advocate.

O R D E R

The petitioner seeks for a Writ of Mandamus directing the respondents to release the petitioner's Tractor cum Trailer bearing registration No.TN 65 Y 4280 and TN 60 E 8980, which were seized on 27.03.2018 by the second respondent.

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

3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicles were seized as the same were plied without valid papers, including registration certificate books and transport permits for transporting sand.



4. In any event, as the vehicles are under the custody of the respondents having been seized on 27.03.2018 and considering the fact that if the same are 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 vehicles can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicles.

5. Accordingly, the first respondent is directed to release the vehicles 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 vehicles are kept, 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) for both vehicles before the first respondent herein;
- (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 vehicles in question shall be returned to the petitioner;
- (v) The petitioner shall not alienate the vehicles 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. The Writ Petition is ordered accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To:

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.

+1cc to Mr.D.Senthil, Advocate Sr.No.62958

STS

VB/KKR/SAR1/08/05/2018/3P/4C

Order in
W.P. (MD) No.8346 of 2018
23.04.2018