



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD) No.10652 of 2018

WEB COPY

K.Jayalakshmi

... Petitioner

vs.

1.The District Collector,
Sivagangai.

2.The Revenue Divisional Officer,
Devakkottai,
Sivagangai District.

3.The Thasildhar,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 2 and 3 herein to release the vehicle (Tipper Lorry) bearing registration No.TN 21 AY 8412 to the petitioner forthwith.

For Petitioner	:	Mr.A.Arun Prasad
For Respondents	:	Mr.R.Sethuraman Special Government Pleader

O R D E R

The petitioner seeks for a writ of mandamus directing the respondents to release her vehicle, namely, Tipper Lorry bearing registration No.TN 21 AY 8412, seized on 22.04.2018 by the 3rd respondent.

2.According to the petitioner, even though the relevant documents of the vehicle were produced, the 3rd respondent 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 of the vehicle and transport permit for transporting sand.

4.In any event, as the vehicle is under the custody of the 3rd respondent having been seized on 22.04.2018 and considering the fact that if the vehicle is allowed to be kept idle by exposing
<https://hcservices.courts.gov.in/hcservices/> and rain, it would certainly diminish its value, this Court is of the view that pending proceedings before the



respondents, the vehicle can be released by imposing certain conditions.

5. Accordingly, the respondents 2 and 3 are directed to release the vehicle in question namely, Tipper Lorry bearing registration No. TN 21 AY 8412, 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 respondents 2 and 3 to establish the ownership of the vehicle in question.
- (ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) for release of the vehicle in question.
- (iii) The petitioner shall give an undertaking that she will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents 2 and 3.
- (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 respondents 2 and 3 are directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order.
- (vii) The petitioner is also directed to participate in the enquiry to be conducted by the respondents 2 and 3."

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

Sd/

Assistant Registrar (RTI)
/Vacation Officer

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai District.



3.The Thasildhar,
Thiruppathur Taluk,
Sivagangai District.

+1cc to Mr.A.ARUN PRASAD, Advocate, SR.No. 65318

+1cc to M/s.Special Government Pleader,SR.No. 65266

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RMI/BALA
KK/KKR/15.05.2018/SAR-1/3P-6C