



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.05.2018
CORAM

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P. (MD) No.10719 of 2018

AND

W.M.P (MD) No.9814 of 2018

R.Marimuthu @ Muthupandi

... Petitioner

vs.

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The District Revenue Officer,
Tuticorin District,
Tuticorin.
3. The Inspector of Police,
Civil Supplies C.I.D. Branch,
Tuticorin District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to pass appropriate orders to release the petitioner's TATA ACE vehicle bearing registration No.TN-67 / AM- 4249, based on the petitioner's representation dated 09.04.2018.

For Petitioner : Mr.M.Prabu
For Respondents : Mr.D.Murugananthan
Addl. Govt. Pleader

O R D E R

The petitioner seeks for a Writ of Mandamus directing the respondents to release his vehicle, namely, TATA ACE vehicle bearing registration No.TN-67 / AM- 4249, seized on 21.02.2018 by the third respondent.

2. According to the petitioner, even though he had 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 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 21.02.2018 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 second respondent is directed to release the vehicle in question to the petitioner within a period of three 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 second 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) for the vehicle before the second 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 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 second respondent is directed to complete the enquiry within a period of three 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 second respondent."

6. The writ petition is disposed of accordingly. Consequently, connected WMP(MD)No.9814 of 2018, is closed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/



To:

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The District Revenue Officer,
Tuticorin District,
Tuticorin.
3. The Inspector of Police,
Civil Supplies C.I.D. Branch,
Tuticorin District.

+1CC to Mr.M.Prabu Counsel for Petitioner
in SR.No.65208,

+1CC to Special Government Pleader in SR.No.65323.

DAS/SKN

DS/RSK/SAR-1 :17.05.2018: 3P/6C

W.P. (MD) No.10719 of 2018

AND

WMP (MD) No.9814 of 20183

09.05.2018