



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2018

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THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**W.P.(MD)No.10798 of 2018

A.Gunasekaran

...Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.2.The Superintendent of Police,
Ramanathapuram District.3.The Revenue Divisional Officer,
Ramanathapuram District.4.The Sub Inspector of Police,
Sundara Pandiya Pattinam Police Station,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to release the petitioner's Lorry bearing Registration No.TN 49 BC 1608 detained at the 4th respondent's Police Station at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader**O R D E R**

The petitioner seeks for a writ of mandamus directing the respondents to release his vehicle, namely, Lorry bearing Registration No. TN 49 BC 1608, seized on 18.04.2018 by the fourth respondent.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the fourth 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 permit.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 18.04.2018 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.

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5. Accordingly, the third 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 third 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 third 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 respondents are 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 respondents."

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

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The Superintendent of Police,
Ramanathapuram District.



3.The Revenue Divisional Officer,
Ramanathapuram District.

4.The Sub Inspector of Police,
Sundara Pandiya Pattinam Police Station,
Ramanathapuram.

+1cc to Special Government Pleader, SR.No.65273.
+1cc to Mr.P.Ganapathi Subramanian, SR.No.65221.

ORDER MADE IN
W.P. (MD) No.10798 of 2018
09.05.2018

DSK/CM

RAM/SV MMS/SAR 4/11.05.2018/3P/7C