



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.05.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. (MD) No.11318 of 2018

Veeramalai

... Petitioner

vs.

1. The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

2. The Inspector of Police,
Kumuli Police Station,
Theni District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's Tipper Vehicle bearing Registration No.TN-31-AP-7087 to him.

For Petitioner : Mr.R.Murugappan
For Respondents : Mr.M.Murugan,
Government Advocate.

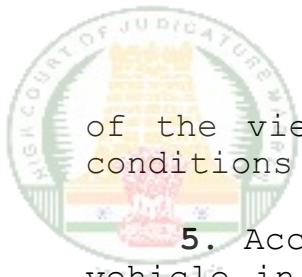
O R D E R

The petitioner seeks for a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's Tipper Vehicle bearing Registration No.TN-31-AP-7087 to him within a stipulated time.

2. According to the petitioner, even though the vehicle was plied with all relevant documents, the second respondent has seized the vehicle.

3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicle had been involved in transportation of M.sand without valid license.

4. In any event, as the vehicle is under the custody of the first respondent having been seized on 04.05.2018 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 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 necessary documents before the first respondent 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 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 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 (AD-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.
2. The Inspector of Police,
Kumuli Police Station,
Theni District.

+ 1 CC TO Mr.R.MURUGAPPAN, ADVOCATE IN SR No. 66452
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66410

PS/PM

TE/JC/SAR-4 : 06/06/2018 : 2P/5C

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

W.P (MD) No.11318 of 2018
31.05.2018