



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.11659 of 2018

Mangayarkarasi

... Petitioner

vs.

1. The District Collector
Sivagangai, Sivagangai District

2. The Sub Collector Cum Revenue Divisional Officer,
Ram Nagar, Devakottai
Sivagangai District

3. The Inspector of Police
Pallathur Police Station
Sivagangai 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 herein to release the petitioner's vehicle Mahindra Bolero Pick Up FB-BS4 bearing Registration No.TN-19 W-4737 within a stipulated time.

For Petitioner : Mr.S.Muthukumar

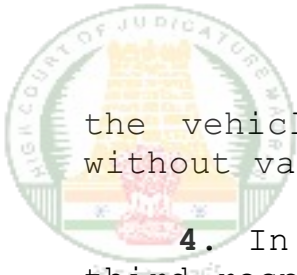
For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

The petitioner seeks for a writ of mandamus directing the respondents 1 and 2 herein to release his vehicle, namely, Mahindra Bolero Pick Up FB-BS4 bearing Registration No.TN-19 W-4737 within a stipulated time.

2. According to the petitioner, even though her driver 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 had been involved in transportation of river sand without valid license.

4. In any event, as the vehicle is under the custody of the third respondent having been seized on 29.03.2018 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 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 second respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) before the second respondent herein;
- (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;
- (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-II)

/True Copy/

Sub Assistant Registrar

To:

<https://hcservices.accounts.gov.in/hcservices/>
1. The District Collector,
Sivagangai, Sivagangai District.



2. The Sub Collector Cum Revenue Divisional Officer,
Ram Nagar, Devakottai,
Sivagangai District.

3. The Inspector of Police,
Pallathur Police Station,
Sivagangai District.

+ 1 cc TO Mr.S.Muthu Kumar , Advocate in SR No. 66449

krk/sji

AE/SKN RSK/SAR3/06.06.2018/3P/5C

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