



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.05.2018

CORAM

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THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P. (MD) No.11807 of 2018

Sankaran

... Petitioner

vs.

1. The District Collector
Sivagangai, Sivagangai District

2. The Sub Collector Cum Revenue Divisional Officer
Devakottai, 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 Daras and Tipper lorry bearing Registration No.TN-55 AV-1140 BHARAT BENZ within a stipulated time, on the basis of the petitioner's representation dated 26.05.2018.

For Petitioner : Mr.A.Muralikumar

For Respondents : Mr.N.Shanmuga Selvam

Additional Government Pleader

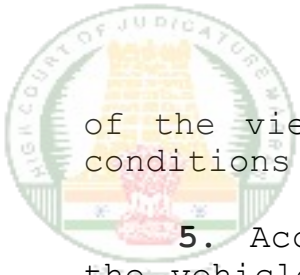
O R D E R

The petitioner seeks for a writ of mandamus directing the respondents 1 and 2 herein to release his vehicle, namely, Daras and Tipper lorry bearing Registration No.TN-55 AV-1140 BHARAT BENZ within a stipulated time, on the basis of his representation dated 26.05.2018.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the police personnel attached to Sakkottai Police Station 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 concerned police having been seized on 28.04.2018 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.

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.50,000/- (Rupees fifty thousand only) before the second 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 District Collector,
Sivagangai, Sivagangai District.
 2. The Sub Collector Cum Revenue Divisional Officer,
Devakottai, Sivagangai District.
- + 1 CC TO Mr.A.MURALIKUMAR, ADVOCATE IN SR No. 66444

KRK/SJI

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

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

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