



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16241 of 2018

WEB COPY

L.Kannaiah

... Petitioner

vs.

1. The Revenue Divisional Officer
Revenue Divisional Office
Paramakudi, Ramanathapuram District

2. The Inspector of Police
Kadaladi Police Station
Kadaladi, Ramanathapuram District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to release the petitioner's Tractor cum Trailer bearing Registration No.TN-65 U3044 which was seized on 13.07.2018 by the second respondent.

For Petitioner : Mr.D.Senthil
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner seeks for a writ of mandamus directing the respondents to release his vehicle, namely, Tractor-cum-Trailer bearing registration No.TN-65 U3044, seized on 13.07.2018 by the second respondent.

4. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the second respondent has seized the vehicle.

5. 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 sand.



6. In any event, as the vehicle is under the custody of the second respondent having been seized on 13.07.2018 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.

7. 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 documents before the first respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) for the vehicle 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 first respondent is 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 first respondent.”

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

WEB COPY

2. The Inspector of Police,
Kadaladi Police Station,
Kadaladi, Ramanathapuram District.

+1cc to Mr.D.Senthil, Advocate SR.No.74910

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.75141

Krk

MK/MMS/SAR 4/02.08.2018/3P/5C

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