



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**W.P. (MD) No.13192 of 2018**

WEB COPY

Sathappan

: Petitioner

Vs.

1. The Revenue Divisional Officer,
Devakkottai,
Sivagangai District.

2. The Thasildhar,
Thiruppathur Taluk,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first and second respondents herein to release the vehicle (Tipper Lorry) bearing Registration No.TN-20-AW-1297 to the petitioner forthwith.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mr.J.Gunaseelan Muthaiah
Additional Government Pleader**O R D E R**

The petitioner seeks for a Writ of Mandamus directing the first and second respondents herein to release the vehicle (Tipper Lorry) bearing Registration No.TN-20-AW-1297 to the petitioner forthwith.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the second 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 transport permits for transporting sand.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 16.06.2018 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 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) 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/ Revenue Divisional Officer, Devakottai, Sivagangai District."

6. The Writ Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.



2. The Thasildhar,
Thiruppathur Taluk,
Sivagangai District.

+1cc to Mr.A.Arun Prasad, Advocate Sr.No.69120
+1cc to SPECIAL GOVERNMENT PLEADER, Sr.No.69365
Sm
MK/SB/SAR 1/26.06.2018/3P/5C

Order made in
W.P. (MD) No.13192 of 2018
21.06.2018