



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.13294 of 2018

Ayyappan

... Petitioner

vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Court Campus,
Pudukkottai District.

2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai,
Pudukkottai 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 Tipper Lorry bearing Reg. TN 45 BJ 9241 seized by the second respondent police by considering the representation dated 14.06.2018.

For Petitioner	: Mrs.A.Banumathy
For Respondents	: Mr.S.Nagarajan Special Government Pleader

O R D E R

The petitioner seeks for a writ of Mandamus, directing the respondents to release the Tipper Lorry bearing Reg. TN 45 BJ 9241 seized by the second respondent police by considering the representation dated 14.06.2018.

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

3. On the other hand, it is submitted by the learned Special 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.

4. In any event, as the vehicle is under the custody of the respondents having been seized on 07.06.2018 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 respondents are 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 respondent under whose custody the vehicle is kept, 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 respondent;
- (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 respondents are 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 respondent.”

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

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Court Campus, Pudukkottai District.



2. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai,
Pudukkottai District.

WEB COPY

W.P. (MD) No.13294 of 2018

cm

JM/SKN RSK/SAR 2/22.06.2018/3P/3C