



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.06.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.13739 of 2018

M.Kanagalakshmi

... Petitioner

vs.

1. The Sub Collector,
Thoothukudi,
Thoothukudi District.

2. The Tashildar,
Thoothukudi,
Thoothukudi District.

3. The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to release the petitioner's vehicle i.e Bharat Benz Multi Axle Goods Vehicle Tipper Lorry bearing Registration NO. TN 69 BC 2288, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.D.Selvaraj

For Respondents : Mr.J.Gunaseelan Muthaiah
Additional Govt. Pleader

O R D E R

The petitioner seeks for a writ of mandamus directing the respondents to release the petitioner's vehicle i.e Bharat Benz Multi Axle Goods Vehicle Tipper Lorry bearing Registration No. TN 69 BC 2288 within the time limit that may be stipulated by this Court.

2. According to the petitioner, even though he 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 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 21.05.2018 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 third 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 third 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 third 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 third respondent."

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

Sd/-
Assistant Registrar (CO)

/True Copy/



To:

1.The Sub Collector,
Thoothukudi,
Thoothukudi District.

2.The Tashildar,
Thoothukudi,
Thoothukudi District.

3.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

+ 1 CC TO Mr.D.SELVARAJ, ADVOCATE IN SR No. 70086

CM

TE/SKN-RSK/SAR-3 : 28/06/2018 : 3P/5C

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