



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2018

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CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.14048 of 2018

Balasubramanian

: Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

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

4.The Inspector of Police,
Thirupathur Police Station,
Thirupathur,
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 third respondent to release the lorry bearing Registration No.TN 55 BB 5745 seized by the fourth respondent on 24.06.2018.

For Petitioner : Mr.A.V.Rajasekaran

For Respondents : Mr.S.Nagarajan,
Special Government Pleader

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the third respondent to release his vehicle, namely, Lorry bearing Registration No.TN 55 BB 5745, seized on 24.06.2018 by the fourth respondent.



2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the fourth 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 24.06.2018 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 third 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 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.

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/True Copy/

Sd/-

Assistant Registrar (T&P)

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

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

4.The Inspector of Police,
Thirupathur Police Station,
Thirupathur,
Sivagangai District.

+2CC to Mr.A.V.Rajasekaran Advocate in SR.No.70656.

SML

DS/VR/SAR-3 :04.07.2018: 3P/7C

Order made in
W.P. (MD) No.14048 of 2018
02.07.2018