



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.07.2018

CORAM
THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14800 of 2018

N.Murali

... Petitioner

vs.

1. The Revenue Divisional cum
The Sub-Collector
Paramakudi
Ramanathapuram District.

2. The Tahsildar
Paramakudi Taluk
Ramanathapuram District.

3. The Inspector of Police
Nainarkoil Police Station
Ramanathapuram District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to release the petitioner's vehicle of tractor and trailer bearing registration no. TN 65 K 0670 from the custody of the third respondent's police station and to hand over the above vehicle to the petitioner by considering the petitioner's representation dated 21.06.2018 within the time limit that may be fixed by this Hon'ble High Court.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

The petitioner seeks for a writ of mandamus directing the first respondent to release his vehicle, namely, tractor and trailer bearing registration no. TN 65 K 0670, seized on 17.06.2018 by the third respondent.

2. According to the petitioner, even though his driver 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 Government Advocate appearing for the respondents that the vehicle was seized as the same was plied without valid papers, including registration certificate books and transport permit for transporting sand.



4. In any event, as the vehicle is under the custody of the respondents having been seized on 17.06.2018 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 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.25,000/- (Rupees Twenty Five thousand only) 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."

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

Sd/

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Revenue Divisional cum

The Sub-Collector

Paramakudi

<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram District.



2. The Tahsildar
Paramakudi Taluk
Ramanathapuram District.

3. The Inspector of Police
Nainarkoil Police Station
Ramanathapuram District

+1cc to Mr.M.S.Jeyakarthik, Advocate, SR.No.73510

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