



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15135 of 2018

S.P.Kannan

... Petitioner

vs.

1. The Revenue Divisional Officer,
Devakottai Sub-Division,
Sivagangai District.

2. State represented by
The Inspector of Police,
Nachiarpuram Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the 1st respondent to release the petitioner's tipper lorry bearing registration No.TN-55-K-5792 and JCB bearing Registration No.TN-63-AP-8241 forthwith in the light of his representation dated 05.07.2018.

For Petitioner : Mr.P.Aju Tagore
For Respondents : Mr.S.Nagarajan
Special Government Pleader

O R D E R

Mr.P.Aju Tagore, learned counsel appearing for the petitioner and Mr.S.Nagarajan, learned Special Government Pleader, appearing for the respondents.

2.The petitioner seeks for a writ of mandamus directing the respondents to release his vehicles, namely, tipper lorry bearing registration No.TN-55-K-5792 and JCB bearing Registration No.TN-63-AP-8241, seized on 25.06.2018 by the second respondent.

3. According to the petitioner, even though his driver had plied the aforesaid vehicles with all relevant documents, the second respondent has seized the vehicles.

4. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicles



were seized as the same were plied without valid papers, including registration certificate books and transport permit for transporting quarried caravel.

5. In any event, as the vehicles are under the custody of the respondents having been seized on 25.06.2018 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 vehicles can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicles.

6. 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.50,000/- (Rupees Fifty 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 third respondent."



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

Sd/-

Assistant Registrar (CO)

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/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Revenue Divisional Officer,
Devakottai Sub-Division,
Sivagangai District.

2. The Inspector of Police,
Nachiarpuram Police Station,
Sivagangai District.

+1cc to Mr.S.Sabbani Karpurajothi, Advocate SR.No.77265

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.77022

DAS

MK/RP/SAR 1/29.08.2018/3P/5C

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