



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P. (MD) No.15899 of 2018

and

W.M.P (MD) No.14232 of 2018

Mudhraa Tractor Finance,
Represented by its Managing Director,
G.Muguthan

... Petitioner

vs.

1. The District Collector,
O/o.The District Collectorate,
Thirunelveli, Thirunelveli District.
2. The Zonal Deputy Tahsildar,
O/o.The Tahsildar Office,
Sivagiri Taluk,
Thirunelveli District.
3. The Village Administrative Officer,
O/o.The Village Administrative Office,
Subramanipayuram Post,
Puliangudi Village, Sivagiri Taluk,
Thirunelveli 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 tractor and trailer in Tractor Bearing registration No.TN 76 S 6804 and Trailer Bearing registration No.TN76 S 7629 by considering the petitioner's representation dated 06.07.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.V.Anand

Government Advocate

O R D E R

Heard Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate, appearing for the respondents.

2.The petitioner seeks for a writ of mandamus directing the respondents to release his vehicles, namely, tractor and trailer in Tractor Bearing registration No.TN 76 S 6804 and Trailer Bearing registration No.TN76 S 7629, seized on 06.09.2016 by the Inspector of Police, Puliangudi Police Station, Tirunelveli District by the instruction of the third respondent.



3. According to the petitioner, even though his driver had plied the aforesaid vehicles with all relevant documents, the Inspector of Police, Puliangudi Police Station, Tirunelveli District, has seized the vehicles.

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4. On the other hand, it is submitted by the learned Government Advocate 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 sand.

5. In any event, as the vehicles are under the custody of the respondents having been seized on 06.09.2016 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. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Collector,
O/o.The District Collectorate,
Thirunelveli,
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2. The Zonal Deputy Tahsildar,
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O/o.The Village Administrative Office,
Subramaniyapuram Post,
Puliangudi Village, Sivagiri Taluk,
Thirunelveli District.

+1cc to M/s.Ajmal Associates, Sr.No.76812
+1cc to Spl.Government Pleader Sr.No. 77324

DAS

VB/RSK/SAR1/23.08.2018/3P/6C

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