



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.16648 of 2018

P.Prabaharan

... Petitioner

vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer/Sub-Collector,
Revenue Divisional Office,
Srirengam Division,
Vannankovil,
Trichirappalli District.

3.The Revenue Tahsildar,
Marugapuri Taluk,
Trichy District.

4.The Inspector of Police,
Valanadu Police Station,
Trichy District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to release the petitioner's Tipper Lorry bearing registration No.TN34-P-4399 within the time stipulated by this Court.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.J.Gunaseelanmuthiah

Additional Government Pleader.

O R D E R

The petitioner seeks for a writ of mandamus to direct the second respondent to release the petitioner's Tipper Lorry bearing registration No.TN34-P-4399 within the time stipulated by this Court.

2. According to the petitioner, even though his driver had plied the aforesaid vehicle with all relevant documents, the second respondent has seized the vehicle and the same was handed over to the fourth respondent.



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 permit for transporting sand.

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4. In any event, as the vehicle is under the custody of the respondents having been seized on 10.07.2018 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 second 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 second 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 second 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 second respondent."

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

Sd/

Assistant Registrar(CO)

/True copy/



To

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer/Sub-Collector,
Revenue Divisional Office,
Srirengam Division,
Vannangkovil,
Trichirappalli District.

3.The Revenue Tahsildar,
Marugapuri Taluk,
Trichy District.

4.The Inspector of Police,
Valanadu Police Station,
Trichy District.

+1cc to Mr.AN.RAMANATHAN, Advocate, SR.No. 75445
+1cc to M/s.Special Government Pleader,SR.No.75580

W.P. (MD) No.16648 of 2018
27.07.2018

RMK
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