



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.07.2018
CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P.(MD) No.16899 of 2018

L.Thirumurugan

... Petitioner

Vs.

1. The Sub-Collector cum Revenue Divisional Officer
Paramakudi, Ramanathapuram

2. The Inspector of Police
Parthipanoor Police Station
Ramanathapuram District

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the first respondent to release the petitioner's vehicle of lorry bearing registration No.TN65 AX2407 from the custody of the second respondent's police and to handover the above vehicle to the petitioner by considering the petitioner's representation dated 27.07.2018 within a stipulated time.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner seeks for a writ of mandamus directing the respondents to release his vehicle, namely, Lorry bearing registration No.TN65 AX2407, seized on 24.07.2018 by the second respondent.

4. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the second respondent has seized the vehicle.

5. 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 permits for transporting sand.

6. In any event, as the vehicle is under the custody of the second respondent having been seized on 24.07.2018 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.

7. 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:

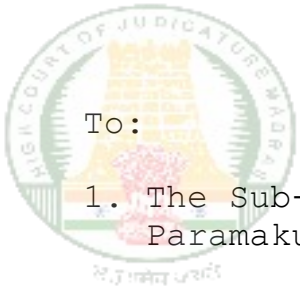
- "(i) The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) for the vehicle before the first respondent herein;
- (iii) The petitioner shall give 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."

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

Sd/-

Assistant Registrar (CO)

/True Copy/



To:

1. The Sub-Collector-cum-Revenue Divisional Officer,
Paramakudi, Ramanathapuram .
2. The Inspector of Police,
Parthipanoor Police Station,
Ramanathapuram District.

+1CC to Mr.M.S.Jeyakarthik, Advocate, SR.No. 76150
+1CC to the Special Government Pleader SR.No. 76262

W.P.(MD) No.16899 of 2018
31.07.2018

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