

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 01.08.2018****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.17075 of 2018**

T. Raju

... Petitioner

vs.

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The District Revenue Officer,
Tuticorin District,
Tuticorin.

3. The Revenue Divisional Officer,
Tuticorin District,
Tuticorin.

4. The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 3rd respondent to release the lorry bearing Registration No.TN 47 AU 3184 seized by the 4th respondent on 31.07.2018.

For Petitioner : Mr.A.V.Rajasekaran

For Respondents : Mr.V.Anand
Government Advocate.**O R D E R**

Mr.V.Anand, learned Government Advocate, 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 3rd respondent to release his vehicle, namely, lorry bearing Registration No.TN 47 AU 3184 seized on 31.07.2018 by the 4th respondent.



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

5. 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.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 31.07.2018 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 3rd 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 3rd 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 third 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 3rd 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 3rd respondent."



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

Sd/-
Assistant Registrar (CO)

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/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The District Revenue Officer,
Tuticorin District,
Tuticorin.
3. The Revenue Divisional Officer,
Tuticorin District,
Tuticorin.
4. The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.

+1cc to Mr.A.V.Rajasekaran, Advocate SR.No.76317
KSA
MK/SKN/SAR 4/28.08.2018/3P/6C

W.P. (MD) No. 17075 of 2018
01.08.2018