



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.11.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.20843 of 2018

P.Rajan

.. Petitioner

Vs

1. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

2. The Inspector of Police,
Kollemcode Police Station,
Kollemcode,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to release the Petitioner's Tempo Vehicle bearing Registration No.TN-61-C-5913 and JCB Vehicle bearing Registration No.TN-75-P-1338, which was seized by the second respondent on 7.9.2018 and kept under the custody of the second respondent.

For Petitioner : Mr.C.K.M.Appaji

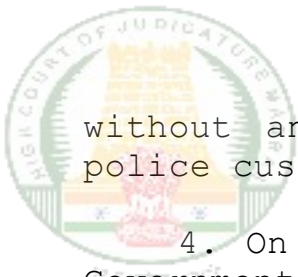
For Respondents : Mrs.J.Padmavathi Devi
Special Govt.Pleader

ORDER

This writ petition has been filed seeking a writ of Mandamus, to direct the respondents to release the petitioner's vehicle ie., Tempo Vehicle bearing Registration No.TN-61-C-5913 and JCB Vehicle bearing Registration No.TN-75-P-1338,

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. According to the petitioner, the official respondent has seized the vehicles in question on the ground that it was involved in transportation of old construction waste materials and sand



without any valid permit and the vehicles are still under the police custody. Hence, this Writ Petition is filed.

4. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents that the vehicles in question was used for illegal transportation of old construction waste materials and sand without any valid permit and hence, it was seized.

5. In any event, as the vehicles are under the custody of the official respondent from the date of seizing 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, this Court is of the view that the vehicles may be released by imposing conditions on the petitioner for release of the same.

6. Accordingly, the concerned respondent is directed to release the vehicles in question to the petitioner within a period of 7 days from the date of receipt of a copy of this order, subject to the following conditions:

"(i) The petitioner shall produce necessary documents before the concerned respondent to establish the ownership of the vehicles in question;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), as fine amount for the Tempo Vehicle bearing Registration No.TN-61-C-5913 and another sum of Rs.75,000/- (Rupees seventy five thousand only) as fine amount for the JCB Vehicle bearing Registration No.TN-75-P-1338, totalling to a sum of Rs.1,25,000/- (Rupees one lakh and twenty five thousand only) to the credit of first respondent herein/The Revenue Divisional Officer, Padmanabhapuram, Kanyakumari District, as non-refundable deposit;

(iii) The petitioner shall give an undertaking that he will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondents;

(iv) On doing so, the vehicles in question shall be returned to the petitioner;

(v) The petitioner shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

However, it is made clear that if the vehicles concerned involves ~~services, the courts will reserve for~~ the second time, the concerned respondent shall not release the said vehicles.



7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
2. The Inspector of Police,
Kollemcode Police Station,
Kollemcode,
Kanyakumari District.

+1cc to The Spl. Government Pleader Sr.No.97333

+1cc to Mr.C.K.M.Appaji, Advocate Sr.No.97243

VSN

VB/BK/SAR1/30.11.2018/3P/5C

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27.11.2018