

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2019

Coram:

The Honourable Mr. Justice R.SUBBIAH
and
The Honourable Mr. Justice KRISHNAN RAMASAMY

W.P.No.7008 of 2019

Kuppan

...Petitioner

Versus

- 1.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The Tasildhar,
Chengam Taluk,
Thiruvannamalai District.
- 3.The Inspector of Police,
Pudhupalayam Police Station,
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to release the Vehicle of SWARAJ Tractor bearing Reg.No.TN 25 AP 5047 along with trailer seized on 19.09.2018 keeping under the custody of 3rd respondent.

For Petitioner : Mr.K.T.S.Sivakumar
For Respondents: Mr.D.Raghu,
Government Advocate

O R D E R

(Order of the Court was delivered by R.Subbiah, J.,)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's SWARAJ Tractor bearing Reg.No.TN 25 AP 5047 along with trailer.

2. Heard learned counsel for the petitioner and learned Government Advocate for the respondents.

3. According to the petitioner, on 19.09.2018, when the said vehicle was parked for repairing work in his house, the second respondent had seized the same based on the complaint given by the second respondent official and till date, no order for release of the said vehicle had been passed by the respondents. Hence, he has come forward with the present Writ Petition.

4. On the other hand, it is submitted by learned Government Advocate for the respondents that there is no valid permit for the vehicle in question and therefore, the vehicle was seized. He further submitted that the petitioner has no previous case.

5. In any event, as the vehicle is under the custody of the respondents from the date of seizure and considering the fact that if the same is allowed to be kept idle by exposing the same to rain and shine, it would certainly diminish their value, this Court is of the view that the vehicle in question may be released by imposing conditions on the petitioner.

6. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii):

- (i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.
- (ii) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the concerned jurisdictional Judicial Magistrate.
- (iii) The petitioner shall give an undertaking before the respondents/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondents and also the trial Court, failing which the respondents/trial Court is/are at liberty to confiscate the vehicle.
- (iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.
- (v) The petitioner is also directed to participate in the enquiry to be conducted by the respondents.

With the above observations and directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

2.The Tasildhar,
Chengam Taluk,
Thiruvannamalai District.

3.The Inspector of Police,
Pudhupalayam Police Station,
Thiruvannamalai District.

+1 CC to Mr.K.T.S.Sivakumar, Advocate sr 22952.

+1 CC to Govt. Pleader sr 93646



W.P.No.7008 of 2019

SP(15/03/2019)

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