



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.26946 of 2019

and

W.M.P (MD)No.23296 of 2019

WEB COPY

Bheemaa Tractor Finance,
represented by its Managing Director,
D.Ganesan,
D.No.93/20-W Kondithozhu Street,
Cumbum,
Theni District.

... Petitioner

Vs.

1.The Assistant Director,
Geology and Mining Department,
Dindigul,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Inspector of Police,
Sempatti Police Station,
Sempatti,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Tractor bearing Registration No.TN 48H 8210 and Trailer bearing Registration No.TN 59 A 3739 by considering the Petitioner's representation, dated 2.12.2019 within the time stipulated by this Court.

For Petitioner

: Mr.Karthick Raja

for M/s.Ajmal Associates

For Respondents

: Mr.M.Pandiarajan,

Additional Government Pleader

ORDER

Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents.

<https://hcservices.courts.gov.in/hcservices> By consent of both parties, the writ petition is taken up



for disposal at the admission stage itself.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Tractor bearing Registration No.TN 48H 8210 and Trailer bearing Registration No.TN59 A 3739 by considering the Petitioner's representation, dated 2.12.2019 within the time stipulated by this Court.

4. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the third 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 for transporting sand.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 03.12.2019 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 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.25,000/- (Rupees twenty five Only) for the vehicle before the second 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*

