



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.2553 of 2020

R.Senthilkumar

.. Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer/Sub Collector,
Srirangam Division, Trichy District.

3.P.Krishnagopal.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 & 2 herein to release the petitioner's Tractor with Tanker bearing Registration No.TN-55/E 7639 and TN-55E 7641 respectively, which was parked in the 3rd respondent's land on 24.12.2018 and to hand over the same to the petitioner forthwith.

For Petitioner : Mr.J.Parekhkumar

For Respondents : Mrs.J.Padmavathy Devi for R1 and R2
Special Government Pleader

ORDER

Mrs.J.Padmavathy Devi, learned Special Government Pleader takes notice for the respondents.

2. 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 with Tanker bearing Registration No.TN-55/E 7639 and TN-55E 7641 respectively, by considering the Petitioner's representations, dated 27.12.2018, 14.03.2019, 12.09.2019 & 13.01.2020 within the time stipulated by this Court.



4. According to the petitioner, since his vehicle namely Tractor with Tanker was breakdown, he parked the same in the third respondent's land only for safety purpose and he went to pick up mechanic. But, the second respondent without considering the same, has seized the vehicle.

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5. On the other hand, it is submitted by the learned Special Government Pleader appearing for the respondents 1 and 2 that no complaint has been lodged and registered against the petitioner.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 24.12.2018 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 1 & 2, 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.15,000/- (Rupees fifteen thousand 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 1 & 2;*
- (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 second 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 second respondent."*



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8. The writ petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The District Collector,
Trichy District, Trichy.

2.The Revenue Divisional Officer/Sub Collector,
Srirangam Division, Trichy District.

+1 CC to M/s.N.V.SUBHAPRIYA, Advocate (SR-5484[F] dated 10/02/2020)

+1 CC to M/s.SPL GP (SR-5601[F] dated 11/02/2020)

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JMN(17.02.2020) 3P : 5C