



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.2488 of 2020

Divyabharathi

: Petitioner

vs.

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

2.The Tahsildar,
Sivagiri Taluk, Tenkasi District.

3.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to release the petitioner's Tractor bearing Registration No.TN-79-E-6365 and Trailer Bearing Registration No.TN-79-A-0284, which was seized by the third respondent on 29.10.2019.

For Petitioner

:Mr.RJ.Karthick

For R1 to R3

:Mr.Aayiram K.Selvakumar

Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents to release the petitioner's Tractor bearing Registration No.TN-79-E-6365 and Trailer Bearing Registration No.TN-79-A-0284, which was seized by the third respondent on 29.10.2019.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, even though they had plied the aforesaid vehicle with all relevant documents, the third respondent has seized the vehicle.

4.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.

5. In any event, the vehicle is under the custody of the respondents having been seized on 29.10.2019. 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.

6. Accordingly, the third 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 third 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 first or third respondent herein;*
- (iii) The petitioner shall give an undertaking that she 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 first or third 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 first or third respondent."*



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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cmr

To

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

2.The Tahsildar,
Sivagiri Taluk, Tenkasi District.

3.The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.

+1 CC to SPL GP (SR-5604[F] dated 11/02/2020)

+1 CC to MR.R.J.KARTHICK, Advocate (SR-5715[F] dated 11/02/2020)

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10.02.2020

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