



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2020**

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P (MD)No.5976 of 2020

R.Esakimuthu

... Petitioner

Vs.

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

2.The Zonal Deputy Tahsildar,
Veerakeralampudhur Taluk,
Tenkasi District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to return of vehicle model of Mahindra 575D1 Tractor make bearing Registered No.TN 76 P 8627 and Trailer bearing Registered No. TN 72 X 5994 seized by the second respondent dated 29.02.2020 to the petitioner, subject to the condition to be imposed by this Court, within a reasonable time frame fixed by this Court.

For Petitioner : Mr.V.M.Jegadeesha Pandian

For Respondents : Mr.M.Rajarajan
Government Advocate

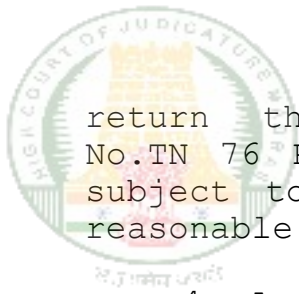
ORDER

Mr.M.Rajarajan, learned Government Advocate 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

<https://hcservices.ecourts.gov.in/hcservices/>



return the vehicle Mahindra 575D1 Tractor make bearing Registered No.TN 76 P 8627 and Trailer bearing Registered No. TN 72 X 5994 subject to the condition to be imposed by this Court within a reasonable time frame.

4. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the second respondent has seized the vehicle. But no First Information Report has been registered against the Petitioner, as on date.

5. On the other hand, it is submitted by the learned Government Advocate appearing for the respondents that the vehicle was seized as the same was plied without valid papers for transporting agriculture goods.

6. In any event, as the vehicle is under the custody of the respondents having been seized on 29.02.2020 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 first 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 first 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 Thousand Only) for the vehicle before the first 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 concerned;*
- (vi) The first 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 respondent."

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

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1.The Revenue Divisional Officer,
Thenkasi,
Thenkasi District.
- 2.The Zonal Deputy Tahsildar,
Veerakeralampudhur Taluk,
Tenkasi District.
- 3.The Inspector of Police,
Sambavarvadakarai Police Station,
Tenkasi District.

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-12956[F] dated 24/03/2020)

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CN(08.05.2020) 3P 5C