



W.P.(MD).No.25438 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25438 of 2022

R.Sivan Aruldhass

... Petitioner

vs.

1.The Assistant Director,
Department of Mines and Geology,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to release the petitioner's vehicle viz., Tipper Lorry bearing Registration No.TN 74 AR 6507 forthwith.



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For Petitioner : Mr.R.Anand
For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to release the petitioner's vehicle viz., Tipper Lorry bearing Registration No.TN 74 AR 6507 forthwith.

2. The case of the petitioner is that he is the owner of the Tipper Lorry bearing Registration No.TN 74 AR 6507 and he appointed a driver, who in his own discretion used to pick customers for the purpose of transportation of materials. When the driver was about to get the load of kundukkal, due to previous enmity between the petitioner and the third respondent, the petitioner's vehicle has been intercepted and the driver was also taken to the police station. Thereafter, the third respondent has



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registered a case in Crime No.391 of 2022 for the offence under Section 379 of I.P.C. On 27.10.2022, the petitioner has approached the second respondent, seeking to release the vehicle. But the said representation has not been considered. Hence, the petitioner has filed the present writ petition.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Government Advocate (Crl.side) appearing for the third respondent.

4. Considering the fact that if the vehicle is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner. Accordingly, the third respondent is directed to release the vehicle in question to the petitioner, within a period of four weeks from the date of receipt of a copy of this order, subject to the following conditions:



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“(i) The petitioner shall produce necessary documents before the concerned respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only), before the District Revenue Officer, Tirunelveli, within three weeks from the date of receipt of a copy of this order;

(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 production of deposit receipts and undertaking 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; and

(vi) The petitioner is also directed to participate in the enquiry and legal proceedings to be conducted by the



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respondents.”

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5. However, it is made clear that if the vehicle involves in the crime for the second time, the concerned respondent shall not release the vehicle thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs.

10.11.2022

Index: Yes/No
Internet: Yes/No

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Copy To:

The District Revenue Officer,
Tirunelveli,
Tirunelveli District.

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To

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V.BHAVANI SUBBAROYAN,J.

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