

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 19.11.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

+W.P(MD)No.21136 of 2018

#A.Ramasamy ..Petitioner

Vs

\$1.The Revenue Divisional Officer,
Devakottai
Sivagangai District.

2.The Tahsildar,
Karaikudi Taluk
Sivagangai District.

3.The Inspector of Police,
Kundrakudi Police Station,
Kundrakudi, Sivagangai District. ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus directing the respondents to
release the Petitioner-s lorry bearing registration No.TN 74 P 1938.

!For Petitioner :Mr.P.Muthupandi

^For Respondent :Mrs.J.Padmavathy Devi
Special Government Pleader

?ORDER

This writ petition has been filed seeking a writ of Mandamus, to direct
the respondents to release the petitioner-s vehicle ie., Lorry bearing
Registration No. TN~74 P 1938.

2. Heard the learned counsel appearing for the petitioner and the
learned Special Government Pleader appearing for the respondents.

3. According to the petitioner, the official respondent has seized the
vehicle in question on the ground that it was involved in transportation of
illegal sand without any valid permit and the vehicle is still under the
police custody. Hence, this Writ Petition is filed.

4. On the other hand, it is submitted by the learned Special Government

Pleader appearing for the respondents that the vehicle in question was used for illegal transportation of sand without any valid permit and hence, it was seized.

5. In any event, as the vehicle is under the custody of the official respondent from the date of seizing 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, this Court is of the view that the vehicle may be released by imposing conditions on the petitioner for release of the same.

6. Accordingly, the concerned respondent is directed to release the vehicle in question to the petitioner within a period of 7 days from the date of receipt of a copy of this order subject to the following conditions:

- ?(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.50,000/~ (Rupees Fifty Thousand only), before the respondent as non refundable deposit;
- (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; and
- (vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondent authorities.?

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

To

1.The Revenue Divisional Officer,
Devakottai
Sivagangai District.

2.The Tahsildar,
Karaikudi Taluk
Sivagangai District.

3.The Inspector of Police,
Kundrakudi Police Station,
Kundrakudi, Sivagangai District.