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SLP(C)No. 848 OF 2002  
ITEM No.206

Court No. 9

SECTION XII  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.848/2002

(From the judgement and order dated 27/09/2001 in WA 1872/2001  
of The HIGH COURT OF MADRAS)

TAHSILDAR, TIRUALLUR DISTT., T.N. & ORS

Petitioner (s)

VERSUS

T. SANKARAN

Respondent (s)

(With prayer for interim relief and office report)  
( For Final Disposal )

With SLP(C)No.13026-13027/2002 -(For final disposal)

Date : 07/03/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. A.T.M. Sampath, Adv.  
for Mr. P.N. Ramalingam,Adv.

For Respondent (s) Mrs.D. Bharathi Reddy,Adv. (A.C.)

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J  
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Heard learned counsel for the parties for 15  
minutes.

The special leave petitions are disposed of in  
terms of the signed order.

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Sarita

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.848/2002@@

CC

TAHSILDAR, TIRUALLUR DISTT., T.N. & ORS. ...APPELLANTS

VERSUS

T. SANKARAN ... RESPONDENT

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS.13026-13027/2002@@  
CC

TAHSILDAR, TAMIL NADU ...APPELLANT

VERSUS

A. RAJASEKHAR ... RESPONDENT

O R D E R@@  
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Heard learned counsel for the parties.

The order dated 27/09/2001 passed by the Division Bench of the High Court in Writ Appeal No.1872 of 2001 is under challenge in this petition. The learned Single Judge of the High Court in the Writ Petition filed by the respondent herein passed the order directing the petitioners to release the tractor bearing Registration No. TDH 4434, Engine No.027004, Chasis No.027006 subject to the following conditions :

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"a) The petitioner has to establish the ownership title and possession of the tractor bearing Registration No.TDH 4434 by producing necessary registration certificate and permits before the first respondent.

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b) The petitioner shall not alienate or alter the vehicle in any manner till final orders are passed by the first respondent.

c) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with the first respondent."

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The respondent aggrieved by the order of the learned Single Judge imposing stringent conditions for release of the tractor, particularly the condition of requiring to deposit a sum of Rs.25,000/-, filed the afore-mentioned Writ Appeal before the Division Bench of the same High Court. The Division Bench of the High Court after hearing the learned

counsel for the parties and having regard to the facts and circumstances of the case, modified the condition of depositing Rs.25,000/- by reducing to Rs.5,000/-. Aggrieved by and not satisfied with that order, the petitioners are before this Court in these petitions.

Mr. A.T.M. Sampath, learned counsel for the petitioners urged that the Division Bench of the High Court was not right and justified in reducing the deposit amount from Rs.25,000/- to Rs.5,000/-; the condition imposed by the learned Single Judge to deposit Rs.25,000/- was not by way of any penalty or to forfeit the same; it was only intended to secure the tractor whenever needed; in these circumstances there was no justification for the Division Bench to modify that condition. Per contra, Mrs. D. Bharathi Reddy, learned

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counsel, who was requested to assist the Court on behalf of the respondents in both the petitions as the respondents remained unrepresented, submitted that under Rule 36A(1) of the Tamil Nadu Minor Concession Rules, 1959 may be the Authorities are entitled to recover the amount of Rs.25,000/- also for the contravention established; that stage has not yet come the proceedings are still pending, nothing prevents the Authorities from proceeding in accordance with the said Rules. She pointed out that other conditions imposed by the learned Single Judge which are extracted above sufficiently safeguard the interest of the parties concerned and in the event necessity arises to secure the tractor, those conditions take care of the same; even before completing the proceedings imposing condition, directing the respondent to deposit a sum of Rs.25,000/-, was onerous and in that view the Division Bench of the High Court was justified in modifying that condition alone in reducing the amount from Rs.25,000/- to Rs.5,000/-.

Looking to the impugned order of the Division Bench, that it has not disturbed the order of the learned Single Judge in all other respects, except reducing the amount of deposit from Rs.25,000/- to Rs.5,000/-, having regard to the facts and circumstances of the case and that the proceedings

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are yet to be completed and in case the contravention is established, it is open to the authorities to take appropriate action as per the Rules. Having considered all aspects, we do not find any ground for our interference with such an order in these petitions. Hence, the special leave petitions are dismissed.

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.....J.  
(Shivaraj V. Patil)

New Delhi,  
March 7, 2003.

.....J.  
(Arijit Pasayat)