

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2015

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.18172 of 2015

Manikandhan @ Mani

... Petitioner

Versus

1. The Inspector of Police,
B.3 Kancheepuram Taluk Police Station,
Kancheepuram District.
2. The Chairman,
Blue Cross of India,
72, Velachery Check Post,
Guindy, Chennai-600 032.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to release the bulls seized on 14.04.2015 by the 1st respondent to the petitioner.

For Petitioner : Mr.E.Martin Jeyakumar

For 1st Respondent : Mr.T.N.Rajagopalan,
Special Government Pleader

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 2nd respondent herein, namely, The Chairman, Blue Cross of India, 72, Velachery Check Post, Guindy, Chennai-32, to release the same seized on 14.04.2015 by the 1st respondent to the petitioner.

2. Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the 1st respondent.

3. The petitioner is the owner of the bullocks and Bullock Cart and the same are being used for agricultural purpose to eke out his livelihood. On 14.04.2015, the said bullocks and Bullock Cart were used by the petitioner for plowing the land in Thiruparuthikundram and when the petitioner was returning with his bullocks and bullock cart, the 1st respondent intercepted and seized the bullocks and bullock cart on the allegation that the petitioner has stolen sand from Paalaaru. The 1st respondent, after seizure of

the same, handed over the bullocks to the Blue Cross of India, Guindy, Chennai, without any information. Subsequently, the Revenue Divisional Officer imposed a penalty of Rs.10,000/- for each bullocks and bullock cart. The petitioner paid the penalty on 28.04.2015 and thereafter, the bullock cart was released. Thereafter, the petitioner made a representation to the 2nd respondent to release his bullocks. But the 2nd respondent has failed to release the same even after showing the penalty payment receipt. Hence, the present Writ Petition.

4. Considering the above stated facts and circumstances and also the fact that the petitioner has already paid the penalty and produced the receipt for the same and the petitioner has also made a representation to this effect on 17.05.2015 to the 2nd respondent, this Court is of the view that the petitioner is entitled to redeem his bullocks who were handed over to the 2nd respondent by the 1st respondent for safe custody.

5. In this regard, today, the petitioner has also filed a declaration affidavit praying a direction to release his two bullocks which was seized by the 1st respondent and handed over to the 2nd respondent.

6. Accordingly, the Writ Petition is disposed of directing the 2nd respondent herein, namely, The Chairman, Blue Cross of India, 72, Velachery Check Post, Guindy, Chennai-32 to release the two bullocks of the petitioner forthwith on production of a copy of this Order. No costs.

Sd/-

Assistant Registrar(Lok Adalat)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Inspector of Police,
B.3 Kancheepuram Taluk Police Station,
Kancheepuram District.
2. The Chairman,
Blue Cross of India,
72, Velacery Check Post,
Guindy, Chennai-600 032.

+1cc to Mr.E.Martin Jeyakumar, Advocate, S.R.No.31191

W.P.No.18172 of 2015

CA(01/07/2015)