

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

W.P.No.20709 of 2015

S.Suresh

... Petitioner

Vs

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madhurandagam, Pin Code - 603 306.

2. The Inspector of Police,
Soonambedu Police Station.

...Respondents

Writ petition filed under 226 of the Constitution of India for the issuance of writ of mandamus to direct the first respondent to release the vehicle bearing Regn. No.TN 20 BK 6133 belonging to the petitioner which has been detained and entrusted to the custody of the second respondent by the first respondent pending disposal of further proceedings by the first respondent for the alleged illegal transportation of blue metal chips.

For Petitioner : Mr.R.M.D.Nazarullah

For Respondents : Mr.T.N.Rajagopalan,
Spl. Govt. Pleader

ORDER

Petitioner has filed this writ petition praying for a direction to the first respondent to release the vehicle bearing Regn. No.TN 20 BK 6133, which has been detained and entrusted to the custody of the second respondent by the first respondent pending disposal of further proceedings by the first respondent for the alleged illegal transportation of blue metal chips.

2.It is the case of the petitioner that he is the owner of the Tipper lorry bearing Regn. No.TN 20 BK 6133 and the same was intercepted by the first respondent on 06.06.2015 and subsequently, it was seized with load of blue metal chips. The petitioner made a representation dated 15.06.2015 to the first respondent seeking release of the vehicle. Since no action has been taken by the first respondent, the petitioner has filed the present writ petition.

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

4.Considering the facts and circumstances of the case, this Court directs the respondents to release the Tipper lorry bearing Regn. No.TN 20 BK 6133 on the following conditions:-

(i) The petitioner shall produce documents before the first respondent 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) with the first respondent.

(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 first respondent.

(iv) On doing so, the lorry 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.

5.The writ petition is disposed of with the above directions. No costs.

mmi

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madhurandagam,
Pin Code - 603 306.

2. The Inspector of Police,
Soonambedu Police Station.

+ 1 cc to Mr.K.V.Shanmuganathan, Advocate SR 45046

+ 1 cc to Govt.Pleader SR 45412

scd(co)

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