

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.35039 OF 2015

P. Radhakrishnan

..

Petitioner

Vs

The District Revenue Officer,
Thiruvallur,
Thiruvallur District

..

Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus to direct the respondent to release the Car bearing Registration No.TAX 6773 seized by the Inspector of Police, Civil Supplies CID, (Pattravakkam), Chennai on 23.01.2015 to the petitioner.

For Petitioner : Mr.C. Prakasam

For Respondents: Mr.R.A.S. Senthilvel,
Additional Government Pleader

ORDER

Seeking to release the vehicle said to have been seized by the Inspector of Police, Civil Supplies CID, (Pattravakkam), Chennai on 23.1.2015, bearing Registration No.TAX 6773, the petitioner has come forward to file this Writ Petition.

2. The learned counsel appearing for the petitioner submitted that while the proceedings can go on in accordance with law for the offence alleged, or for violation of rules, keeping the vehicle in custody for continuous period does not help anybody. A reliance has been made on the decision of this Court in W.P.No.1616 of 2015 dated 23.1.2015.

3. The petitioner is also said to be the owner of the vehicle. In the above said judgment, this Court placed the policy as follows;

"4. Taking into consideration the relief sought for, the respondent is directed to release the motor cycle (Hero Honda Splendor) bearing registration

No.TN-33-R-1676 to the petitioner on fulfilling the following conditions:-

(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash before the respondent.

(ii) the petitioner shall produce the documents relating to the ownership of the vehicle.

(iii) The petitioner shall file an undertaking that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within three days.

(v) The respondent is directed to pass final orders in the adjudication proceedings, within a period of two months.

(vi) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal court. If the vehicle is in the custody of the criminal court, it is open to the petitioner to approach the jurisdictional magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

(vii) As the motor cycle (Hero Honda Splendor) was seized on 17.7.2014, the above order to be complied within three days, if no order of adjudication is passed or confiscation is passed as on today.

5. The Writ Petition is disposed of subject to the above conditions. No costs."

4. Considering the above, the Writ Petition stands disposed of on the same terms. No costs.
msr

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

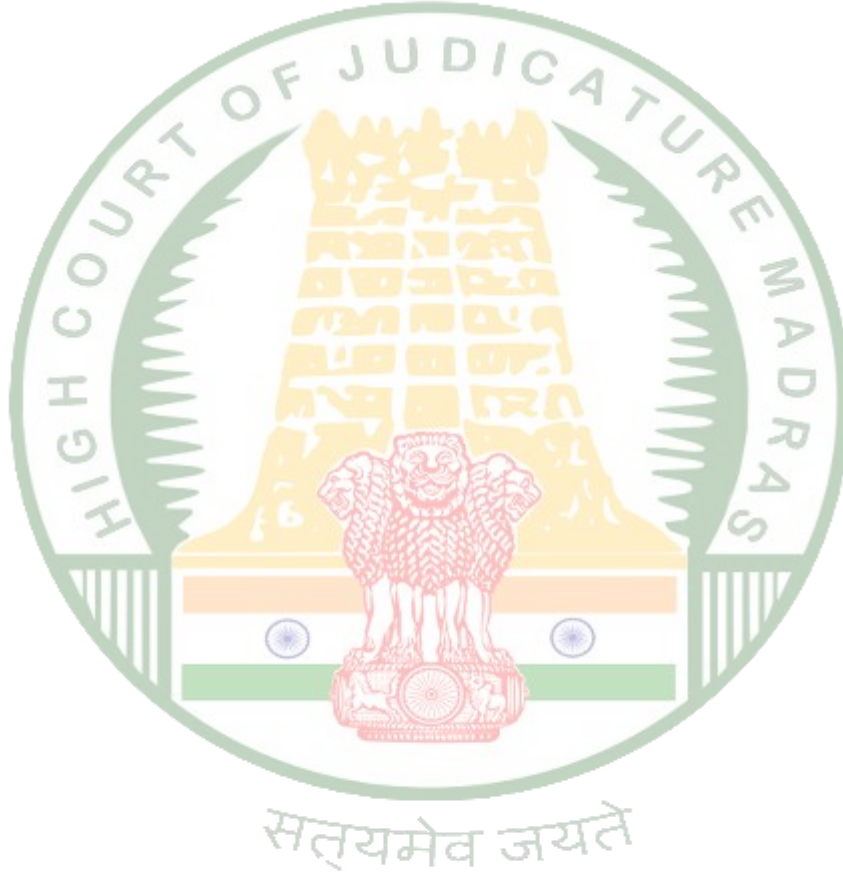
The District Revenue Officer,
Thiruvallur,
Thiruvallur District

+ 1 cc to Mr.C.Prakasam, Advocate SR 61377

+ 1 cc to Govt.Pleader SR 61464

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