



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2015

CORAM

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.12442 of 2015

Muthuramalingam

... Petitioner

Vs

1.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's lorry bearing registration No.TN-74/D-6062 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.Prasanna Rajadurai
for M/S T.A.Ebenezer

For Respondents : Mr.Ayeram K.Selvakumar, G.A.

ORDER

The writ petition is filed for issuance of a Writ of Mandamus, directing the respondents to release the petitioner's lorry bearing registration No.TN-74/D-6062 within a time frame.

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

3.The grievance of the petitioner is that the said vehicle was seized by the 2nd respondent without there being any cause of action to do so. It is further stated that the said vehicle has not been involved in any unlawful activities. Therefore, the release of the said vehicle, the present Writ petition.



4. In my considered view, all these contentions raised by the petitioner cannot be gone into by this Court at this stage. However, as the vehicle was seized and kept idle, certainly it would diminish the value of the same.

5. Considering the facts and circumstances of the case, the respondents are directed to release the said vehicle bearing registration No. TN-74/D-6062, seized by the 2nd respondent to the petitioner, subject to the following conditions:

"i) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) with the 2nd respondent within a period of one week from the date of receipt of a copy of this order.

ii) On deposit of the said amount, the respondents are directed to release the vehicle on the following conditions:-

(a) The petitioner shall produce before the respondents the relevant documents to establish his ownership of the vehicle;

(b) He shall execute an affidavit giving undertaking that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him;

iii) The respondents are at liberty to initiate proceeding against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceeding has to be taken, within a period of three months from the date of receipt of a copy of this order. If no action is taken against the petitioner, within the said period, the amount deposited by him shall be returned to him; and

(iv) The petitioner shall abide by the orders passed by the authority concerned or the respondents.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.



3.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

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+1 CC TO MR.T.EBENEZER, ADVOCATE, IN SR NO:39920

+1 CC TO SPL.GOV.T.PLEADER, SR NO:40074

nbj

JAM:1.8.2015/3P-6C

W.P. (MD) No.12442 of 2015
21.07.2015