



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.14705 of 2015

Edward Nelson

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Radhapuram,
Tirunelveli.

2.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner Tipper bearing Registration No.TN 72 AT 6095 seized on 27.06.2015 by the second respondent from the petitioner.

For Petitioner : Mr.N.Subash Babu

For Respondents : Mr.R.Anandharaj, G.A.

O R D E R

This Writ petition has been filed by the petitioner viz., Edward Nelson, directing the respondents to release the petitioner's vehicle namely Tipper lorry bearing registration No.TN-72 AT 6095.

2.Mr.R.Anandharaj, learned Government Advocate took notice for the respondents. By consent, the Writ petition itself is taken up for final disposal. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3.The grievance of the petitioner is that the said vehicle was not involved in any offence as alleged by the respondents and it was used only for lawful purpose. Therefore, for the release of the said vehicle, the present Writ petition is filed.

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 vehicle namely, Tipper lorry bearing registration No.TN-72 AT 6095.

"i)The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) with the first 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.

Sd/-
Assistant Registrar (co)

/TRUE COPY/

Sub Assistant Registrar

am

To

1. The Revenue Divisional Officer,
Radhapuram,
Tirunelveli.

2. The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.

+1 cc to MR. SUBASH BABU, ADVOCATE, SR NO: 53533

JAM/SKS-RR/23.9.15/2P-4C

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