



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.15403 of 2015

T.Rajesh

.. Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Special Tahsildar,
Flying Squad,
Nagercoil,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to release the petitioner's Scorpio car bearing Registration No.TN 10 AA-3232 seized by the second respondent on 09.08.2015 to the petitioner.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.S.Kumar
Addl.Govt.Pleader

O R D E R

The writ petition has been filed for a writ of Mandamus directing the first respondent herein to release the petitioner's Scorpio car bearing Registration No.TN 10 AA-3232.

2.The case of the petitioner is that he is the absolute owner of the Scorpio car bearing Registration No.TN 10 AA-3232. On 09.08.2015, the second respondent seized the said vehicle stating that the vehicle was used to transport 13 bags of PDS rice (each contains 50 kgs). Immediately, the petitioner has given a seizure receipt to the first respondent on 12.08.2015 and the same has not been considered so far. Hence, the petitioner has filed the present writ petition.



3. When the matter is taken up for consideration, the learned Additional Government Pleader submitted that the petitioner has been involved in illegal transportation of PDS rice and that is the reason why, the vehicle was seized. He would further submit that now the adjudication proceeding is pending before the first respondent.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Considering the facts and circumstances of the case and the submissions made on either side, I am of the opinion that if the seized vehicle is exposed to sun and rain, it would be losing its value. Under such circumstances, I am inclined to direct the first respondent to release the vehicle in question pending the adjudication proceedings to the petitioner 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.15,000/- (Rupees Fifteen 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 vehicle in question shall be returned to the petitioner; and

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

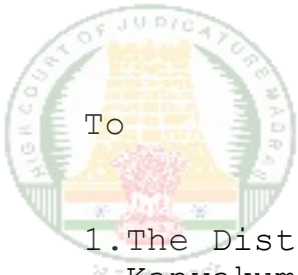
6. This writ petition stands allowed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar



To

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Special Tahsildar,
Flying Squad,
Nagercoil,
Kanyakumari District.

+one cc to M/s. T.Lenin Kumar, Advocate in SR.NO.49509

W.P. (MD) No.15403 of 2015

CSL/AN-MP/SAR (PA) /04.09.2015
3P/4C