



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD) Nos.18723 & 18808 of 2015

A.Smailan ... Petitioner in W.P.(MD) No.18723 of 2015

R.Subalakshmi ... Petitioner in W.P.(MD) No.18808 of 2015

-vs-

1.The District Collector
Tirunelveli District
Tirunelveli

2.The Sub-Collector
Cheranmahadevi
Tirunelveli District

3.The Tahsildar
Radhapuram Taluk
Radhapuram
Tirunelveli District

4.The Inspector of Police
Panagudi Police Station
Radhapuram Taluk
Tirunelveli District

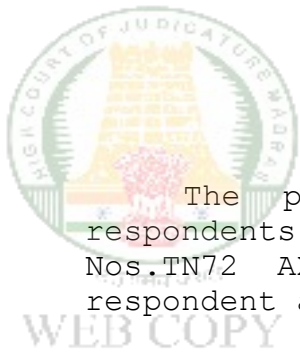
... Respondents in both W.Ps.

PRAYER (W.P.(MD) No.18723 of 2015): Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondents to release the petitioner's JCB Vehicle bearing registration No.TN72 AX5481 seized on 30.09.2015, the custody of which is entrusted by third respondent to fourth respondent and to return the vehicle to the petitioner.

PRAYER (W.P.(MD) No.18808 of 2015): Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondents to release the petitioner's Tractor bearing registration No.TN72 AX5305 seized on 30.09.2015, the custody of which is entrusted by third respondent to fourth respondent and to return the vehicle to the petitioner.

For Petitioner : Mr.S.R.Anbarasu
(in both W.Ps)

For Respondents : Mr.S.Satheesh Kumar, A.G.P.
(in both W.Ps)



C O M M O N O R D E R

The petitioners seek for a writ of mandamus to direct the respondents to release their vehicles, namely, JCB, bearing registration Nos.TN72 AX5481 and TN72 AX5305, which were seized by the fourth respondent and kept under the custody of the third respondent.

2. The grievance of the petitioners is that the said vehicles were 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 vehicles, the present writ petitions are filed.

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

4. Considering the facts and circumstances of the case, the respondents are directed to release the vehicles, namely, JCB, bearing registration Nos.TN72 AX5481 and TN72 AX5305, seized by the fourth respondent on 30.09.2015, to the petitioners subject to the following conditions:

- (i) The petitioners are directed to deposit Rs.10,000/- (Rupees ten thousand only) each with the third 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 vehicles on the following conditions:
 - (a) The petitioners shall produce before the respondents the relevant documents to establish that they are the ownership of the vehicles;
 - (b) They shall execute affidavits giving undertaking that they will not alienate the vehicles till the completion of the proceedings, if any, initiated against them;
- (iii) The respondents are at liberty to initiate proceedings against the petitioners, if they have violated in any of the provisions of the Acts or Rules. But, the proceedings have 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 petitioners within the said period, the amount deposited by them shall be returned to them; and
- (iv) The petitioners shall abide by the orders passed by the authority concerned or the respondents.

5. Accordingly, both the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(AS)

/True copy/



To:

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

4.The Inspector of Police,
Panagudi Police Station,
Radhapuram Taluk,
Tirunelveli District.

+2cc to Mr.S.R.Anbarasu, Advocate SR.no.61823,61824

+2cc to special Government Pleader SR.No.61676,61677

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