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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.18824 of 2015

D.Padma

..Petitioner

Vs

1.The Revenue Divisional Officer,
District Collector Office Complex,
Madurai.

2.The Executive Engineer,
Public Works Department,
Periyar Prathana Kalvai Division,
Melur, Madurai District.

3.The Tahsildar,
Melur,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the first respondent to release the vehicle of the petitioner bearing Registration No.TN 20 S 8089 lying in the office of the third respondent.

For Petitioner :Mr.J.Anandkumar

For Respondents :Mr.S.Kumar

Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to release the vehicle of the petitioner bearing Registration No.TN 20 S 8089 lying in the office of the third respondent.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4. The learned counsel appearing for the petitioner would bring to the notice of this Court through the typed set of papers that in similar circumstances, this Court considered the issue involved in this Writ Petition in W.P.(MD).No.5675 of 2014 and ordered to release the vehicle. Subsequently also, the same issue was considered in W.P.(MD). No.7614 of 2014 dated 29.04.2014 and the vehicle therein was released with certain conditions.

5. The learned Additional Government Pleader has not refuted the <https://hservices.ecourts.gov.in/hservices/> submission of the learned counsel appearing for the petitioner. However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.



6. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and the rain, it would certainly lose its value, the first respondent is directed to release the vehicle in question to the petitioner on the following conditions:-

“(i) The petitioner shall produce necessary documents before the first respondent to establish to prove her ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) with the first respondent;

(iii) The petitioner shall give an undertaking that she will not use the vehicle or any other vehicle for any illegal activities and also she will not indulge in such activities in future ;

(iv) The vehicle shall be produced to the respondents as and when required.

After fulfilling all the four conditions, the first respondent shall release the vehicle in question to the petitioner with a specific condition that she shall not alienate or encumber the vehicle in question till the dispose of the proceedings before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioner, in case, she violates any one of the conditions stipulated in this order.

5. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub Assistant Registrar.

To

1.The Revenue Divisional Officer,
District Collector Office Complex,
Madurai.

2.The Executive Engineer,
Public Works Department,
Periyar Prathana Kalvai Division,
Melur, Madurai District.

3.The Tahsildar,
Melur,
Madurai District.

+1CC to Mr.J.Anand Kumar, Advocate, SR.No.62404.

W.P (MD) No.18824 of 2015
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AM/27.10.2015/NGM.SS/SAR-II/2P/7C