



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.19470 of 2015

A.Harikumar

...Petitioner

Vs

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

2.The Inspector of Police,
Civil Supplies C.I.D,
Kuzhithurai at Nagercoil,
Kanyakumari 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 Tempo bearing Reg.No.TN 04 AE 7837 seized by the second respondent on 22.09.2015, to the petitioner.

For Petitioner :Mr.T.Lenin Kumar

For Respondents :Mr.D.Muruganantham

Additional Government Pleader

ORDER

The Writ Petition has been filed by the petitioner praying for a Writ of Mandamus directing the first respondent to release the Tempo bearing Reg.No.TN 04 AE 7837 seized by the second respondent on 22.09.2015.

2. Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for 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 said 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, without prejudice to the confiscation proceedings on the following conditions:-

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

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he 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 he 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, he violates any one of the conditions stipulated in this order.

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Civil Supplies C.I.D,
Kuzhithurai at Nagercoil,
Kanyakumari District.

+1cc to Mr.T.Leninkumar, Advocate SR.No. 62948

+1cc to The Special Government Pleader, Madurai. SR.No.63416

W.P (MD) No.19470 of 2015
28.10.2015

pm

NS/JGB-DP/06.11.2015 : 2P/5C