



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2015

CORAM :

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.2707 of 2015

Haridass

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Mandamus by directing the Respondents to release the Petitioner's vehicle namely Swaraj Mazda Tempo bearing its Registration No.TN-07-R-2907 and pass such any or other orders.

For Petitioner : Mr.R.Anand

For Respondents : Mr.V.Muruganandam,
Additional Government Pleader.

ORDER

The petitioner seeks for a Mandamus to direct the respondents to release the petitioner's vehicle namely, Swaraj Mazda Tempo bearing its Registration No.TN-07-R-2907.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The grievance of the petitioner is that the said vehicle was not involved in any offence as alleged by the respondent and it was used only for lawful purpose. Therefore, for



the release of the said vehicle, the present writ petition has been filed.

3. 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 is 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 Swaraj Mazda Tempo bearing Registration No. TN-07-R-2907 seized by the fourth respondent on 17.12.2014, to the petitioner, subject to the following conditions:-

"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 that he is the owner 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(Writs)

/True Copy/

Sub-Assistant Registrar



To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

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

+1cc to Mr.R.Anand, Advocate, in SR. No.10101.

+1cc to Special Government Pleader, in SR No.10227.

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sms

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