



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2015

CORAM:

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THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P. (MD) Nos. 3405 of 2015

Chelladurai

... Petitioner

Vs.

1. The Sub Collector,
Cheramadevi,
Tirunelveli District.

2. The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

3. The Inspector of Police,
Moolakaraipatti Police Station,
Moolakaraipatti,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Lorry bearing registration number TN-22-F-9568 within the stipulated time fixed by this Court.

For Petitioner : Mr. T. A. Ebenezer

For Respondents : Mr. T. S. Mohamed Mohideen,
Additional Government Pleader.

ORDER

The petitioner seeks for a Mandamus, to direct the respondents to release the petitioner's vehicle namely Lorry bearing Registration No. TN-22-F-9568.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The grievance of the petitioner is that the said vehicle was not involved in any offence as alleged by the respondents and they were used only for lawful purpose. Therefore, for the release of the said vehicle, the present Writ Petition is filed.

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4. 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.

5. Considering the facts and circumstances of the case, the respondents are directed to release the said Lorry bearing Registration No.TN-22-F-9568, seized by the third respondent on 21.02.2015, 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 ownership of the vehicles;

(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(A.E.,)



To

1.The Sub Collector,
Cheramadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Moolaikaraipatti Police Station,
Moolaikaraipatti,
Tirunelveli District.

+1cc to Mr.T.A.Ebenezer, Advocate, in SR. No.11752.

+1cc to Special Government Pleader, in SR No.12086.

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