



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :24.06.2015
CORAM

THE HONOURABLE MR. JUSTICE .R. MAHADEVAN

W.P(MD).Nos.8820 & 8821 of 2015

WEB COPY

1.Mokka Durai ... Petitioner in WP.8820/2015
2.G.Saravana Prabu ... Petitioner in WP.8821/2015

Vs

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Madurai. ... Respondents in both Wps.

The Writ Petitions have been filed praying for Writ of Mandamus directing the first respondent to release the Lorry bearing Reg.Nos.TN-28-AQ-4626 and TN-28-H4828 respectively, seized by the second respondent on 01.04.2015 to the petitioners.

For petitioner : Mr.T.Leninkumar

For respondent-1 : Mr.S.Chandrasekar, GA takes notice

For respondent-2 : Mr.M.Murugan, GA takes notice

COMMON ORDER

The Writ Petitions have been filed praying for Writ of Mandamus, directing the first respondent to release the Lorry bearing Reg.Nos.TN-28-AQ-4626 and TN-28-H4828 respectively, seized by the second respondent on 01.04.2015 to the petitioners.

2. Mr.S.Chandrasekar, learned Government Advocate takes notice for the 1st respondent and Mr.M.Murugan, learned Government Advocate takes notice for the 2nd respondent.

3. By consent, the Writ Petitions itself are taken up final disposal.

4. The learned counsel appearing for the petitioners 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 the Writ Petitions 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 vehicle therein was released with certain conditions.

5. The learned Government Advocates have not refuted the said submission of the learned counsel appearing for the petitioners.



However, they 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 vehicles 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 vehicles in question to the petitioners on the following conditions:-

"(i) The petitioners shall produce necessary documents before the first respondent to establish the ownership of the vehicles in question;

(ii) The petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each, with the first respondent;

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

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

7. After fulfilling all the four conditions, the first respondent shall release the vehicles in question to the petitioners with a specific condition that they shall not alienate or encumber the vehicles 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 petitioners, in case, they violates any one of the conditions stipulated in this order.

8. With the above direction, this Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Madurai.

+2cc to MR.T.Lenin Kumar,Advocate SR.Nos.33598 & 33599

+1cc to Special Govt.Pleader SR.No.33626,33637 & 33639

W.P(MD).Nos.8820 & 8821 of 2015
24.06.2015

mpk

PA/PPS/25.06.2015/2P/6C(IT)