



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2015

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.9067 of 2015

Prasanth

.. Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari at Nagercoil.

2.The Special Tahsildar
Flying squad
Vilavancode,
Kanyakumari District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 1st respondent to release the seized Mini Tempo bearing Registration No.KL 20 E9085 by the 2nd respondent on 14.4.2015 to the petitioner.

For Petitioner : Mr.T.Selvakumaran

For RR - 1 & 2 : Mr.S.Kumar
Additional Government Pleader

ORDER

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

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This writ petition has been filed praying for a Writ of Mandamus to direct the first respondent to release the Mini Tempo bearing Registration No.KL 20 E9085 seized on 14.04.2015 by the second respondent to the petitioner.

4. The learned Counsel appearing for the petitioner would bring to the notice of this Court that in similar circumstances, this Court considered the issue involved in the Writ Petition in W.P.(MD)No.6081 of 2015 and ordered to release the vehicle 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 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.15,000/- (Rupees Fifteen Thousand Only) with the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and that he would produce the same, as and when required by the first respondent;

(iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned; and

(v) It is made clear that the release of the vehicle in question by this order is only an interim measure, as it would be subject to the final order to be passed by the authorities concerned, under Section 6-A of the Essential Commodities Act, 1955."

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Kanyakumari at Nagercoil.

2. The Special Tahsildar
Flying Squad
Vilavancode,
Kanyakumari District.

+1 CC to Mr.A.DENNISON, Advocate, SR No.72718

+1 CC to THE SPECIAL GOVERNMENT PLEADER SR No.75851

W.P. (MD) No.9067 of 2015
18.12.2015

mj

SH/SK-SKN:11.01.2016:2P/5C