



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :08.07.2015
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD).No.9805 of 2015

WEB COPY

D.Justinraj

... Petitioner

Vs

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

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Kuzhithurai at Nagercoil,
Kanyakumari District.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to release the Maxicab Van bearing its Reg.No.TN-04 U 5023, seized by the second respondent on 06.12.2014.

For petitioner : Mr.T.Lenin Kumar

For respondents : Mrs.S.Bharathi
Govt.Advocate takes notice

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to release the Maxi Cab Van bearing Reg.No.TN-04 U 5023, seized by the second respondent on 06.12.2014, to the petitioner.

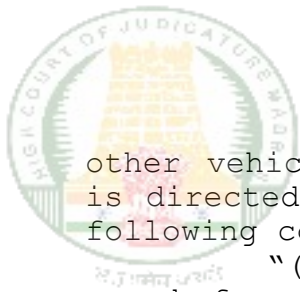
2. Mrs.S.Bharathi, learned Govt.Advocate takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4. The learned counsel appearing for the petitioner would submit that the the petitioner is not a habitual offender and the vehicle in question has not been involved in any other crimes. Further, he would bring to the notice of this Court that in similar circumstances, this Court considered the issue involved in this Writ Petition in W.P.(MD).No.5202 of 2015 and ordered to release the vehicle therein. Therefore, he prayed this Court for releasing the vehicle in question.

5. The learned Govt.Advocate was put on notice for the respondents.

6. In view of the specific submission that the vehicle has not been involved in any other crimes and the petitioner is not a habitual offender and in view of the undertaking by the learned Counsel for the petitioner that the petitioner will not use this vehicle as well as any



other vehicles for any other illegal activities, the second 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 second respondent 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 before the respondents that he will not use the vehicle or any other vehicles for any illegal activities and also he will not indulge in such activities in future ;

(iv) The vehicle shall be produced by the petitioner to the respondents as and when required.

After fulfilling all the four conditions, the second respondent shall release the vehicle in question to the petitioner with a specific undertaking from him that he shall not alienate or encumber the vehicle in question till the disposal of the proceedings before the authorities concerned. It is also made clear that if the petitioner again involves in smuggling of kerosene, the first respondent is directed to take note of it and pass appropriate orders to see that such occurrence is not repeated by the miscreants in future. Further, 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.

With the above direction, this Writ Petition stands 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 Crime Investigation Department,
Kuzhithurai at Nagercoil,
Kanyakumari District.

+1cc to Special Govt.Pleader SR.No.37451

+1cc to Mr.T.Lenin Kumar,Advocate SR.No.37390

W.P(MD) .No.9805 of 2015
08.07.2015

ssm

PA/SA (ESTT) 24.07.2015/2P/5C