

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.11382 of 2016

S.Mohan

.. Petitioner

v.

The Sub Collector,
Cheyyar
Thiruvannamalai District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to release the Tipper Lorry bearing Registration No. TN-21-AS-6277 seized by the Election Commission Flying Squad on 18.03.2016 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Zakir Hussain
Govt. Advocate

ORDER

The petitioner has filed the above writ petition to issue a Writ of mandamus to direct the respondent to release the Tipper Lorry bearing Registration No. TN-21-AS-6277 seized by the Election Commission Flying Squad on 18.03.2016 to him.

2. It is the case of the petitioner that he is the owner of the Tipper Lorry bearing Registration No. TN-21-AS-6277 and the same is being used for hire and the same was entrusted to his driver with strict instructions to use the said vehicle for lawful purpose. The Tipper Lorry was engaged for transport of jally for the personal use of the consumer but on its way of the same has been seized by the Election Commission Flying Squad officials on 18.03.2016. The petitioner made a representation dated 22.03.2016 to the respondent to release his lorry, however, the respondent has not released the vehicle.

3. Mr.C.Prakasam, learned counsel appearing for the petitioner submitted that in similar circumstances, this court in W.P.No.23567 of 2013,dated 23.8.2013, had directed the respondent therein to release the vehicle imposing conditions stated therein.

4. Mr.A.Zakir Hussain learned Government Advocate appearing for the respondent submitted that the vehicle can be released on the same terms and conditions in the order passed in in W.P.No.23567 of 2013,dated 23.8.2013,

5. Having regard to the submissions made by the learned counsel on either side, following conditions are imposed to release the Tipper Lorry bearing Registration No. TN-21-AS-6277 :-

"(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash before the respondent.

(ii) The petitioner shall produce the documents relating to the ownership of the vehicle.

(iii) The petitioner shall file undertakings that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within two days.

(v) The respondent is directed to pass final orders in the adjudication proceedings, within a period of four months.

(vi) This order for release of the vehicle can be availed of by the petitioner if no criminal case is pending against the alleged delinquency. If any criminal case is pending, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law."

6. The respondent is directed to release the Tipper Lorry bearing Registration No. TN-21-AS-6277 to the petitioner herein, on fulfilling the above conditions. The writ petition is disposed of subject to the above conditions. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

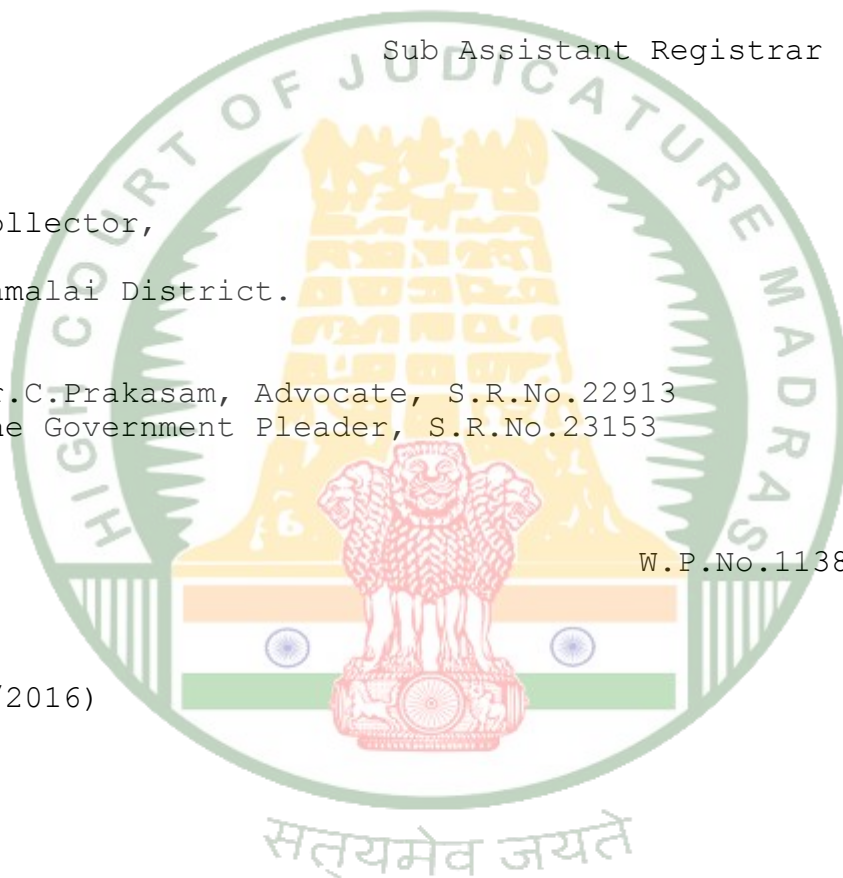
To

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.22913
+1cc to the Government Pleader, S.R.No.23153

W.P.No.11382 of 2016

skv(CO)
srg(13/04/2016)



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