

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.14337 of 2016

G.Ramesh

... Petitioner

Vs.

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-59-B-9867 seized by the Tahsildar, Flying Squad, Cheyyar, Thiruvannamalai District on 07.04.2016 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.Manoharan Sundaram
Additional Government Pleader

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-59-B-9867 seized by the Tahsildar, Flying Squad, Cheyyar, Thiruvannamalai District on 07.04.2016 to him.

2. Mr.C.Prakasam, learned counsel appearing for the petitioner submitted that in similar circumstances, this court in W.P.No.11382 of 2016, by order dated 12.4.2016, had directed the respondent to release the vehicle imposing conditions stated therein.

3. Mr.Manoharan Sundaram, learned Additional Government Pleader takes notice for the respondent and submitted that similar order can be passed in the present writ petition as directed in W.P.No.11382 of 2016, dated 12.4.2016.

4. 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-59-B-9867 :-

"(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."

5. The respondent is directed to release the Tipper Lorry bearing Registration No. TN-59-B-9867 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 V)

//True Copy//

Sub Assistant Registrar

Rj

To

The Sub Collector,
Cheyyar
Thiruvannamalai District

+ 1 cc to Mr.C.Prakasam, Advocate Sr 24266 (22/4/16)

W.P.No.14337 of 2016

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