

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.16994 of 2016

S.Kala

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kancheepuram, Kancheepuram District.

2.The Inspector of Police,
Kancheepuram Taluk Police Station,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents to release the seized Lorry registration No.TN 21 J 0032 seized on 21.04.2016 by the 2nd respondent.

For Petitioner : Mr.E.Martin Jayakumar
For Respondents : Mr.A.Raja Perumal,
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents to release the seized Lorry registration No.TN 21 J 0032 seized on 21.04.2016 by the 2nd respondent.

2.It is the case of the petitioner that the vehicle was engaged by the Contractor, who has been permitted to fill the basement of the houses being constructed by the Contractor. While being so, the 2nd respondent intercepted and seized the vehicle accusing of having stolen sand from the lake and now the vehicle is under the custody of the 1st respondent. After the seizure of the petitioner's vehicle, the petitioner gave a representation on 22.04.2016. However, the vehicle has not been released by the respondents. Further, the learned counsel for the petitioner submitted that in similar circumstances in W.P.No.39794 of 2015 by the order dated 07.01.2016 directed the respondents to release the vehicle imposing the following conditions:

(i) The petitioner shall produce documents before the respondent to establish the ownership of the vehicle in question.

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) with the respondent.

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

(iv) On doing so, the Lorry in question shall be returned to the petitioner.

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(vi) In case of violation of any one or more conditions by the petitioner, it is open to the respondent to initiate appropriate action for the seizure of the vehicle.

(vii) The respondent is at liberty to take appropriate action pursuant to the decisions taken in the proceedings.

3.Mr.A.Raja Perumal, learned Government Advocate taking notice for the respondents submitted that the vehicle can be released on similar conditions as specified in the order made in W.P.No.39794 of 2015 dated 07.01.2016.

4.In view of the submissions made by the learned counsel on either side, I direct the respondents to release the seized Lorry bearing Registration No.TN 21 J 0032 seized on 21.04.2016 by the 2nd respondent on the following conditions:

(i) The petitioner shall produce documents before the respondent to establish the ownership of the vehicle in question.

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) with the respondent.

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

(iv) On doing so, the Lorry in question shall be returned to the petitioner.

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(vi) In case of violation of any one or more conditions by the petitioner, it is open to the respondent to initiate appropriate action for the seizure of the vehicle.

(vii) The respondent is at liberty to take appropriate action pursuant to the decisions taken in the proceedings.

After the fulfillment of the conditions imposed in this Writ Petition, the respondents are directed to release the vehicle within three days thereafter.

5. With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Kancheepuram, Kancheepuram District.

2. The Inspector of Police,
Kancheepuram Taluk Police Station,
Kancheepuram District.

+1 cc to Government Pleader, sr.27945

+1 cc to Mr.E.Martin Jeyakumar, Advocate, sr.27634

W.P.No.16994 of 2016

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kra 02.05.2016