

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.16996 of 2016

L.N.Prasanna Kumar

... Petitioner

Vs.

The Sub Collector,
Hosur, Krishnagiri District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondent to release the seized Lorry registration No.KA 51 D 0509 seized on 01.04.2016 by the respondent.

For Petitioner : Mr.G.M.Anantha Kumar
For Respondent : 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 respondent to release the seized Lorry registration No.KA 51 D 0509 seized on 01.04.2016 by the respondent.

2.It is the case of the petitioner that the Lorry, which was seized by the respondent was used as a common carrier on 01.04.2016. The petitioner's lorry was engaged to transport one load of crushed Jelly stone from permitted quarry to the petitioner's personal use. The vehicle was intercepted by the respondent on 01.04.2016 and the vehicle was seized. The petitioner gave a representation on 02.04.2016, however, the respondent has not released the vehicle. 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 respondent 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 respondent to release the seized Lorry bearing Registration No.KA 51 D 0509 seized on 01.04.2016 by the 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 respondent is 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

To

The Sub Collector,
Hosur, Krishnagiri District.

+1cc to Mr.G.M.AnanthaKumar, Advocate sr.27631

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W.P.No.16996 of 2016
(1/2)

ca (CO)
srg (02/05/2016)

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