

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.18044 of 2016

P.Kannan

... Petitioner

Vs.

The District Revenue Officer,
Cuddalore,
Cuddalore District.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent to release the TVS XL bearing Registration No.PY-01-BL-0873 seized by the Inspector of Police, Civil Supplies CID, Cuddalore, Cuddalore District on 24.07.2013 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

The petitioner has filed the present writ petition for a Mandamus to direct the respondent to release the TVS XL bearing Registration No.PY-01-BL-0873 seized by the Inspector of Police, Civil Supplies CID, Cuddalore, Cuddalore District on 24.07.2013 to him.

2. According to the petitioner, he is the owner of the TVS XL bearing Registration No.PY-01-BL-0873 and on suspicion, the vehicle was seized by the Inspector of Police, Civil Supplies CID, Cuddalore on 24.07.2013.

3. Mr.C.Prakasam, learned counsel appearing for the petitioner submitted that in similar circumstances, this Court in W.P.No.7803/2016 dated 11.03.2016, had directed the respondent therein to release the vehicle imposing certain conditions stated therein.

4. Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who took notice for the respondent submitted that the

vehicle can be released on the same terms and conditions as stated in the order passed in W.P.No.7803/2016 dated 11.03.2016.

5. Having regard to the submissions made by the learned counsel on either side, this Court is inclined to release the vehicle in question. Accordingly, the respondent is directed to release the TVS XL bearing Registration No.PY-01-BL-0873, however, subject to the following conditions :-

"(i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees ten 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 an undertaking 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 three days.

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

(vi) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of the criminal court. 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 writ petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

The District Revenue Officer,
Cuddalore,
Cuddalore District.

+ 1 cc to Govt.Pleader SR 28596

+ 1 cc to Mr.C.Prakasam, Advocate SR 28545

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