



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No. 12317 of 2016

WEB COPY

V. Subburaj

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2. The Tahsildar,
Ettayapuram Taluk,
Ettayapuram,
Thoothukudi District.

3. The Inspector of Police,
Ettayapuram Police Station,
Ettayapuram,
Thoothukudi District.

... Respondents

(R - 3 is impleaded vide order dated
10.08.2016 in W.M.P (MD) No. 10848 of 2016)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to release the petitioner's Tata TH46 bearing Registration No. TN-69-AS-5904 which was seized by the second respondent on 27.06.2016 and the same is under the custody of the first respondent and hand over the same to the petitioner.

For Petitioner : Mr. K. Gokul

For Respondents : Mr. V. Muruganandam
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a direction to release the petitioner's vehicle bearing Registration No. TN-69-AS-5904 which was seized by the second respondent on 27.06.2016.

2. According to the petitioner, he is the owner of the above vehicle and on 27.06.2016, the second respondent seized the vehicle and kept it in his custody. Immediately on the same day ie., on 27.06.2016, he made a representation in person, seeking to release the vehicle, but so far the second respondent is not releasing the vehicle and keeping it in his custody.



3. The second respondent filed a counter-affidavit stating that, on receipt of an information that illegal quarry is being carried on in Meenakshipuram Village, the second respondent along with team of officer inspected the site and found that the above JCB is used in loading stone in a tipper lorry. Hence, he seized both the tipper lorry as well as JCB. The second respondent further stated in the counter that the vehicle is not bearing any registration number at the time of seizure.

4. In similar circumstances, in respect of another vehicle of the petitioner seized by the second respondent on the same day, this Court has passed an order in W.P(MD)No.12365 of 2016, dated 14.07.2016, releasing the lorry with some conditions.

5. In view of the above, this Writ Petition is also disposed of with the following conditions:-

(a) *The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) in cash before the first respondent;*

(b) *The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;*

(c) *The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondents (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;*

(d) *On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No.TN-69-AS-5904 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;*

(e) *The first respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;*

(f) *This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate*



to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(g) Inasmuch as the Vehicle bearing Registration No.TN-69-AS-5904 is seized by the First Respondent on 27.06.2016, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

No costs.

Sd/
Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Ettayapuram Taluk,
Ettayapuram,
Thoothukudi District.

3.The Inspector of Police,
Ettayapuram Police Station,
Ettayapuram,
Thoothukudi District.

+1cc to M/S.K.Gokul, Advocate in SR.No.50231

+1cc to Special Government Pleader in SR.No.50572

W.P(MD)No.12317 of 2016
06.09.2016

ps

PA/SK-SKN/SAR III/14.09.2016/3P/6C