



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 14.07.2016

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL
W.P (MD) No. 12365 of 2016

WEB COPY

Rukmani

..Petitioner

Vs

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

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

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to release the Petitioner's Lorry bearing Registration No. TN-04 E 2502 which was seized by the second respondent on 27.6.2016 and now under the custody of the first respondent and to hand over the same to the Petitioner.

For Petitioner : M/s. K. Gokul

For Respondents : Mr. S. Sadesh Kumar
Addl. Govt. Pleader

ORDER

Heard both sides.

2. By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.

4. According to the Petitioner, he is the owner of the Lorry bearing Registration No. TN-04-E2502 and the same is used for agricultural operations. At times, the Petitioner used his vehicle for carrying waste building materials, since she has no other source of income to maintain herself and her family and the income derived by plying the above said vehicle alone is the only source of income to maintain her family.

5. The plea of the Petitioner is that while-so, on 27.6.2016 at about 12.15 p.m in the midnight, when her vehicle was standing in the crusher, the Second Respondent attacked the driver, who was sleeping near the JCB and used the JCB to put some of the stones inside the Lorry to project that the Petitioner is using the Lorry



for transporting quarry stones etc. It appears that the Second Respondent had intercepted the Petitioner's vehicle and seized the same.

6. The principal grievance projected by the Petitioner is that her vehicle was seized by the Second Respondent and immediately, on the same day I.e., on 27.6.2016, the Petitioner made a representation in person, but till today, the Respondents have not taken any steps to release the vehicle in question.

7. The Learned Counsel for the Petitioner relies on an order, ***dated 17.5.2013 in W.P.No.14224 of 2013 between K.Gangadaran and the District Collector, Coimbatore District and another***, wherein, this Court had ordered the release of Ashok Leyland Mini Van bearing Registration No.KL 9 AD 3334, by issuing necessary directions.

8. In view of the fact that the Petitioner's lorry bearing Registration No.TN-04-E2502 is under the custody of the First Respondent/The Revenue Divisional Officer, Kovilpatti, Thoothukudi District and till date, no confiscation proceedings have been initiated by the First Respondent, at this stage, this Court is of the considered view that the seized vehicle cannot be kept either in the Police Station or within the precincts of the Revenue Divisional Officer, Kovilpatti, Thoothukudi District/First Respondent's Office and also this Court keeping in mind a primordial fact that keeping the seized vehicle for a longer period certainly will cause detriment to the interest of the Petitioner, this Court, in the interest of justice, directs the First Respondent/The Revenue Divisional Officer, Kovilpatti, Thoothukudi District to release the Lorry bearing Registration No. TN-04-E2502, subject to the following conditions:

(a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 lorry bearing Registration No.TN-04-E2502 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 lorry bearing Registration No. TN-04-E2502 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.

9. Before parting with the case, this Court makes it quite clear that this Court has not borne in mind the averments made on behalf of the Petitioner at Para No.3 of the affidavit filed in support of the Writ Petition and it is for the Petitioner to work out her remedy before the competent forum, in the manner known to Law and in accordance with Law.

10. With the aforesaid directions and observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

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

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

W.P (MD) No.12365 of 2016
14.07.2016

vsn

SH/PEK:20.07.2016:2P/3C