



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2016

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THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.(MD) No.15383 of 2016

T.Lalitha

.. Petitioner

vs.

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Assistant Director of Geology and
Mining,
Kanyakumari District.

3.The Revenue Divisional Officer,
It is rep by Sub-Collector,
Office Incharge, Takkalai,
Kanyakumari District.

4.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents to release the JCB bearing Registration No.PY-01-AD-2578 which was seized by the Third Respondent without any valid authority on 18.07.2016 at 1.30 a.m. from Verkilambi and stationed in Third Respondent's office within the period stipulated by this Court.

For Petitioner : Mr.G.Radhakrishnan

For Respondents: Mr.K.Guru
Additional Government Pleader

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for the Respondents.

2.By consent, the writ petition is taken up for final hearing.

3.According to the Petitioner, his father was doing transport business in the name and style of 'Jesus Lory Service ad Earth Movers' in Poovankodu, Kanyakumari District. His father was doing



the said business for the past 20 years and supplying the goods in the entire Kanyakumari District. The petitioner also assist with his father's business. He is having many number of transport vehicles including the JCB vehicle, which was purchased in the name of the Petitioner in the year 2005.

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4.As a matter of fact, the Petitioner (T.Lalitha) had issued power of attorney to and in favour of one J.Bright Singh (who had sworn to the affidavit) on 08.08.2016 with regard to maintenance of her vehicle and dealing with the cases of the said vehicle.

5.It comes to be known that on 18.07.2016, the said JCB bearing registration No.PY-01-AD-2578 and the said tempo lorry was engaged to remove wastage materials in the demolished hundred years old building viz., Issravel Hospital in Verikilambi, Kanyakumari District. She transported her tempo lorry for the removal of wastage materials from 17.07.2016 at 11.00 p.m., at that time, on 18.07.2016, at 1.30 a.m. the Third Respondent with the help of Police officials seized the Petitioner's tempo Lorry bearing registration No.TN-75-J-8764 and JCB bearing registration No.PY-01-AD-2578 and stationed at Third Respondent Office.

6.The principal grievance of the Petitioner is that the JCB vehicle seized by the Third Respondent on 18.07.2016 is kept in the custody of the Third Respondent's office and it is parked in open place and there is no security for the said vehicle. In fact, without any air, now almost all the tires of the vehicles are damaged and they are useless. Hence, the Petitioner's father sent a representation to the Respondents on 09.08.2016 praying to release her JCB vehicle bearing registration No.PY-01-AD-2578. However, the Respondents had not taken any steps to release the said JCB, which was seized by the Third Respondent. Hence, the Petitioner has filed the present Writ Petition before this Court.

7.Admittedly, the Petitioner's JCB vehicle bearing registration No.PY-01-AD-2578 was seized by the Third Respondent/Revenue Divisional Officer, Takkalai, Kanyakumari District and as on date, the said vehicle is not yet released. It is also said to be in open place of the Third Respondent's office campus. As such, there is a possibility for the said vehicle to get damaged by keeping the same as an unused one. Also, the rust will gather on the said JCB vehicle day by day, if it is kept as not a movable one.

8.In view of the forgoings, this Court is inclined to release the Petitioner's JCB vehicle bearing registration No.PY-01-AD-2578 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 third respondent;

<https://hcservices.ecourts.gov.in/hcservices/>

(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 third respondent is directed to release the seized vehicle JCB bearing Registration No.PY-01-AD-2578, to the petitioner (if she is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) The Third 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 JCB bearing Registration No.PY-01-AD-2578 is seized by the Third Respondent on 18.07.2016, the above order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

9. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To:

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Nagercoil, Kanyakumari District.

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Kanyakumari District.

+1 cc to Mr.G.Radhakrishnan ,Advocate, Sr.No: 48765

+1cc to M/S Special Government Pleader, Sr No. 48598

JAM/SKS-RR/9.09.16/4P-7C

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