



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.17217 of 2016

P.Rajan

... Petitioner

Vs.

- 1.The Assistant Director,
Geology and Mining Department,
Collectorate Office, Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.
- 3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

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 vehicle bearing Registration No.TN 61 C 5913, which was seized on 06.09.2016 and kept under the custody of the 3rd respondent.

For Petitioner

: Mr.C.K.M.Appaji

For Respondents

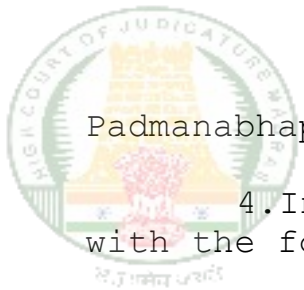
: Mr.R.Anandharaj,
Government Advocate

ORDER

This Writ Petition is filed seeking a direction to release the petitioner's vehicle bearing Registration No.TN 61 C 5913, which was seized on 06.09.2016 and kept under the custody of the 3rd respondent.

2.According to the petitioner, he is the owner of the abovesaid vehicle and on 06.09.2019, the third respondent seized the vehicle and kept it in his custody. Immediately, on the next day ie., on 07.09.2016, he made a representation seeking to release the vehicle, but so far the third respondent is not releasing the vehicle and keeping it in his custody.

3.The learned Government Advocate appearing for the respondents would submit that now enquiry is pending before the second respondent viz., the Revenue Divisional Officer,



Padmanabhapuram, Kanyakumari District.

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

(a) The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) in cash before the second 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 second respondent is directed to release the seized vehicle bearing Registration No.TN 61 C 5913 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 second 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 61 C 5913 is seized on 06.09.2016, 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-II)

/True copy/



To

1.The Assistant Director,
Geology and Mining Department,
Collectorate Office,
Nagercoil,
Kanyakumari District.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

+1cc to M/s.Special Government Pleader SR.No. 53977
+1cc to Mr.C.K.M.APPAJI, ADVOCATE IN SR.No. 53547

pm

JA-AAL-MPA-SAR.I-22.09.2016-3P:6C

W.P (MD) No.17217 of 2016
20.09.2016