



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition(MD)No.17306 of 2016

M.Gandhi Selwyn

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Alangulam Sub-Division,
Tirunelveli District.
- 3.The Inspector of Police,
Pavoor Chathiram Police Station,
Tirunelveli 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 2nd & 3rd respondents to release the petitioner's vehicle namely lorry bearing its Registration No.TN 76 AC 4048 forthwith.

For Petitioner	: Mr.R.Anand
For Respondents	: Mr.N.S.Karthikeyan
	Addl. Government Pleader

ORDER

This Writ Petition is filed seeking a direction to release the the petitioner's vehicle namely lorry bearing its Registration No.TN 76 AC 4048 forthwith.

2.According to the petitioner, he is the owner of the abovesaid vehicle and on 03.07.2016, the third respondent seized the vehicle and kept it in his custody. On 08.09.2016, he made a representation to the first respondent 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 on instructions submitted that on receipt of an information that illegal quarry is being carried on, respondents 2 and 3 along with team of officers inspected the site and found that the above lorry is used to carry the sand without any valid permit. Hence, the third respondent has seized the above lorry and kept in his custody.



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 third 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 respondent (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 bearing Registration No. TN 76 AC 4048 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 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 bearing Registration No TN 76 AC 4048 is seized by the third Respondent on 03.07.2016, 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.

TRUE COPY

Sd
ASST REGISTRAR (RECORDS)

SUB ASST REGISTRAR CS III

VS



To

- 1.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Alangulam Sub-Division,
Tirunelveli District.
- 3.The Inspector of Police,
Pavoor Chathiram Police Station,
Tirunelveli District.

1CC TO MR. R. ANAND, ADVOCATE SR: 52072

AM SK SKN SAR CS III
3P 5C

W.P (MD) No.17306 of 2016
14.09.2016