



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.18497 of 2016

A.Paul

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Special Deputy Tahsildar (Mines),
Tirunelveli,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents-2 & 3 to release the petitioner's vehicle namely TIPPER LORRY bearing registration No.KL 46 D 5741 forthwith.

For Petitioner : Mr.R.Anand

For Respondents : Mr.V.Muruganandham,
Additional Government Pleader

ORDER

The petitioner seeks for a Mandamus directing the respondents-2 & 3 to release the petitioner's vehicle namely TIPPER LORRY bearing registration No.KL 46 D 5741 forthwith.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

3.The grievance of the petitioner is that the said vehicle was not involved in any offence as alleged by the respondents and it was used only for lawful purpose. Therefore, for the release of the said vehicle, the present writ petition has been filed.

4.In my considered view, all these contentions raised by the petitioner cannot be gone into by this Court at this stage. However, as the vehicle was seized and kept idle, certainly it would diminish the value of the same.



5. Considering the facts and circumstances of the case, the second respondent is directed to release the said TIPPER LORRY bearing registration No. KL 46 D 5741, seized by the third respondent on 22.09.2016 to the petitioner, subject to the following conditions:-

"i) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with the second respondent within a period of one week from the date of receipt of a copy of this order.

ii) On deposit of the said amount, the second respondent is directed to release the vehicle on the following conditions:-

(a) The petitioner shall produce before the second respondent, the relevant documents to establish that he is the owner of the vehicle;

(b) He shall execute an affidavit giving undertaking that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him;

(iii) The second respondent is at liberty to initiate proceeding against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceeding has to be taken, within a period of three months from the date of receipt of a copy of this order. If no action is taken against the petitioner, within the said period, the amount deposited by him shall be returned to him; and

(iv) The petitioner shall abide by the orders passed by the authority concerned or the second respondent."

6. With the above direction, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector, Tirunelveli District, Tirunelveli.
2. The Sub-Collector, Cheranmahadevi, Tirunelveli District.
3. The Special Deputy Tahsildar (Mines), Tirunelveli, Tirunelveli District.

+1CC to M/S.R.Anand, Advocate, SR.No. 56349

+1CC to the Special Government Pleader, SR.No. 56645

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