



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20665 of 2016

S.Arul Rajan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

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

3.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to release petitioners vehicle namely Lorry bearing its registration No.TN 55 X 7017 forthwith.

For Petitioner
For Respondents

: Mr.R.Anand
: Mr.J.Gunaseelan Muthiah,
Government Advocate.

ORDER

The petitioner seeks for a Mandamus, to direct the 2nd respondent to release the petitioner's vehicle namely, the Lorry bearing Registration No.TN-55-X-7017.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate 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

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

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 2nd respondent is directed to release the said Lorry bearing Registration No. TN-55-X-7017, seized by the respondents on 22.10.2016 to the petitioner, subject to the following conditions:-

"i) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees fifty 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 2nd respondent is directed to release the vehicle on the following conditions:-

(a) The petitioner shall produce before the 2nd 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 2nd 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 respondent."

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

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Tirunelveli District, Tirunelveli.

2. The Sub Collector,

Cheranmahadevi Sub Division, Tirunelveli District.

3. The Inspector of Police,

Palavoor Police Station, Tirunelveli District.

+1 cc to M/s. R. Anand, Advocate in SR.No.64131

+1 cc to The Special Government Pleader in SR.No.64234

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