



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20828 of 2016

Lawarance

... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District
at Nagarcoil.

2.The Thasildhar,
Flying Squad Section,
Collector Office Campus, Nagarcoil,
Kanyakumari District.

3.The Thasildhar,
Vilavancode Taluk,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to release the petitioner's vehicle (Lorry) with Registration No.TN 74 U 0012.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.R.Anandharaj,
Government Advocate

ORDER

The petitioner seeks for a Mandamus, to direct the respondents to release the petitioner's vehicle namely, the Lorry bearing Registration No.TN 74 U 0012.

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. Further, the said vehicle was seized by the second respondent on 08.09.2016. Hence, the petitioner has filed W.P(MD)No.17485 of 2016 for release of the said vehicle and the said Writ Petition was closed with liberty to the petitioner to approach this Court once again, if no



adjudication proceeding is initiated. But, so far, no adjudication proceedings has been initiated by the respondents. Therefore, for the release of the said vehicle, the present writ petition has been filed.

4. Considering the fact that so far no adjudication proceedings has been initiated and the vehicle was seized and kept idle, certainly it would diminish the value of the same, the first respondent is directed to release the said Lorry bearing Registration No.TN 74 U 0012, seized by the second respondent on 08.09.2016 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 first 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 first respondent is directed to release the vehicle on the following conditions:-

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

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

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The District Revenue Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Kanyakumari District
at Nagarcoil.



2.The Thasildhar,
Flying Squad Section,
Collector Office Campus, Nagarcoil,
Kanyakumari District.

WEB COPY

3.The Thasildhar,
Vilavancode Taluk,
Kanyakumari District.

+1cc to the special Government Pleader SR.No.69287

+1cc to Mr.K.P.Narayanakumar, Advocate SR.No.68755

pm

sm:Ss3:SAR J:16/11/2016:3P/6C

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