



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.21764 of 2016

and

W.M.P. (MD) .No.15561 of 2016

A.Nagarajan

...Petitioner

Vs.

1. The District Collector,
Nagercoil,
Kanyakumari District.

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

3. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to release the petitioner's vehicles viz., a Mahindra Nissan Van bearing Registration No.TN-75-U-9765 and a J.C.B., bearing Registration No.TN-74-S-8795, which was seized by the third respondent on 28.10.2016, from the custody of the second respondent and handed over to the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.C.Kishore

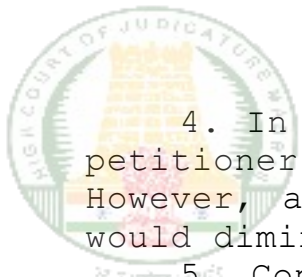
For Respondents : Mr.R.Anandharaj
Government Advocate

O R D E R

The petitioner seeks for a Mandamus, to direct the second respondent to release the petitioner's vehicles viz., the Mahindra Nissan Van bearing Registration No.TN-75-U-9765 and J.C.B., bearing Registration No.TN-74-S-8795.

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

3. The grievance of the petitioner is that the said vehicles were not involved in any offence as alleged by the respondents and they were used only for lawful purpose. Therefore, for the release of the said vehicles, 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 vehicles were 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 vehicles viz., the Mahindra Nissan Van bearing Registration No.TN-75-U-9765 and J.C.B., bearing Registration No.TN-74-S-8795, seized by the third respondent on 28.10.2016 to the petitioner, subject to the following conditions:-

"i) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) for Mahindra Nissan Van and to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) for J.C.B., 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 respondent, the relevant documents to establish that he is the owner of the vehicles;

(b) He shall execute an affidavit giving undertaking that he will not alienate the vehicles 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, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The District Collector,
Nagercoil,
Kanyakumari District.



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

3. The Inspector of Police,
Thuckalay Police Station,
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Kanyakumari District.

+1cc to M/s.C.Kishore, Advocate in SR.68521

+1cc to the Special Government Pleader, in SR.68814

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akv

PBK/SK-SKN/AR-II 24/11/2016 ::3P-6C: