



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

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Writ Petition (MD) No.21780 of 2016

Kamaraj

... Petitioner

Vs.

1.The Assistant Director,
Geology and Mining Department,
Collectorate Office,
Nagercoil,
Kanyakumari District.

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

3.The Tahsildar,
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 vehicle bearing Registration No.TN 75 D 8199, which was seized on 13.07.2016 and kept under the custody of the 2nd respondent.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents : Mr.K.P.Krishnadoss,
Government AdvocateORDER

The petitioner seeks for a Mandamus, to direct the second respondent to release the petitioner's vehicle namely, Tempo bearing Registration No.TN 75 D 8199.

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 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 Tempo bearing Registration No. TN 75 D 8199, seized by the second respondent on 13.07.2016 to the petitioner, subject to the following conditions:-

"i) The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees 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 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 Assistant Director, Geology and Mining Department,
Collectorate Office, Nagercoil, Kanyakumari District.

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

3. The Tahsildar, Vilavancode Taluk, Kanyakumari District.

+1CC to M/S.N.S. Ramakrishna Dass, Advocate, SR.No. 69126

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