



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2248 of 2016

Raja

... Petitioner

Vs.

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

2.The Zonal Deputy Tahsildhar,
Radhapuram Taluk,
Tirunelveli.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the petitioner's 608 Tempo bearing Registration No.TN 33 U 8166 seized on 13.08.2015 by the respondent Nos.2 and 3 to the petitioner.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.S.Satheeshkumar,
Additional Government Pleader

ORDER

Mr.S.Satheeshkumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This writ petition has been filed praying for a Writ of Mandamus to direct the respondent to release the Petitioner's Mini Bus bearing Registration No.TN 33 U 8166, which was seized on 13.08.2015 by the respondents 2 and 3, to the petitioner.

4. The learned Counsel appearing for the petitioner would bring to the notice that in similar circumstances, this Court considered the issue involved in the Writ Petition in W.P.(MD)No.764 of 2016 and ordered to release the vehicle with certain conditions.

5. The learned Additional Government Pleader has not refuted the said submission of the learned Counsel appearing for the petitioner. However, he prayed this Court that stringent conditions may be imposed



for stopping such occurrence.

6. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and the rain, it would certainly lose its value, the respondents are directed to release the vehicle in question to the petitioner on the following conditions:

(i) The petitioner shall produce necessary documents before the respondents to establish to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) with the respondents;

(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he will not indulge in such activities in future;

(iv) The vehicle shall be produced to the respondents as and when required."

7. After fulfilling all the four conditions, the respondents shall release the vehicle in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicle in question till the disposal of the proceedings before the Authorities concerned. It is also made clear that it is open to the Authorities to take appropriate action against the petitioner, in case, he violates any one of the conditions stipulated in this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

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

2. The Zonal Deputy Tahsildhar, Radhapuram Taluk, Tirunelveli.

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

+one cc to Mr.D.Venkatesh, Advocate in SR.NO.6970

+one cc to The Special Government Pleader in SR.No. 7110

CSL/SKS-RR/SAR-I/16.02.2016/2p/6c

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