



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.22690 of 2016

C.BABU RAJAN

... Petitioner

Vs.

1. THE DISTRICT REVENUE OFFICER
NAGERCOIL, KANYAKUMARI DISTRICT.

2. THE SPECIAL TAHSILDAR
FLYING SQUAD, NAGERCOIL,
KANYAKUMARI DISTRICT.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to release the Lorry bearing Reg. No. TN. 72 AZ 2747 seized on 15.11.2016 by the 2nd respondent to the petitioner.

For Petitioner	: Mr.T.Lenin Kumar
For Respondents	: Mr.V.Muruganandham
	Addl. Government Pleader

ORDER

This Writ Petition is filed seeking a direction, directing the 1st respondent to release the Lorry bearing Reg. No. TN.72 AZ 2747 seized on 15.11.2016 by the 2nd respondent, to the petitioner.

2.According to the petitioner, he is the owner of the abovesaid vehicle bearing Regn.No.TN.72 AZ 2747 and on 15.11.2016, the second respondent seized the vehicle and kept it in his custody. Immediately, on 16.11.2016, the petitioner made a detailed representation to the first respondent seeking to release the vehicle, but so far the first respondent is not releasing the vehicle and keeping it in his custody.

3.The learned Additional Government Pleader on instructions submitted that the above said vehicle was used to transport 450 litres of white colour kerosene without any valid permit. Hence, the second respondent has seized the same and kept it in his custody.



4. In similar circumstances, this Court has passed an order in W.P(MD)No.12365 of 2016, dated 14.07.2016, releasing the lorry with some conditions.

5. In view of the above, this Writ Petition is also disposed of with the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in cash before the first respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No.TN.72 AZ 2747 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) The first respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;

(f) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(g) Inasmuch as the Vehicle bearing Registration No. TN.72 AZ 2747 is seized by the second Respondent on 15.11.2016, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

No costs.

Sd/
Assistant Registrar(C.S-II)

/TRUE COPY/

Sub Assistant Registrar



To

1. THE DISTRICT REVENUE OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

WEB COPY

2. THE SPECIAL TAHSILDAR,
FLYING SQUAD, NAGERCOIL, KANYAKUMARI DISTRICT.

+1CC TO M/S.T.LENIN KUMAR, ADVOCATE, IN SR NO.72870.

+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.NO.73225.

W.P (MD) No.22690 of 2016
25.11.2016

vs

msm/gsv/14.12.16/p3/5c