



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 29.04.2016

CORAM :

**THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA**

Writ Petition (MD) No.8774 of 2016

M.Napoleon

... Petitioner

Vs.

1. The Sub Collector,  
Sivakasi,  
Virudhunagar District.

2. The Revenue Divisional Officer,  
Sivakasi,  
Virudhunagar District.

3. The Inspector of Police,  
Sattur Taluk Police Station,  
Sattur,  
Virudhunagar 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 lorry bearing Reg.No.TN67AE 4005 seized by the 3rd Respondent on 22.12.2015.

For Petitioner : M/s.P.Kalaiyarasi Bharathi

For Respondents : Mr.S.Chandrasekar, G.A

### ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents to release the petitioner's lorry bearing Regn.No.TN-67-AE-4005 seized by the third respondent on 22.12.2015.

2.Admittedly, the second respondent passed an order dated 26.02.2016 directing the petitioner to deposit a sum of Rs.25,820/- for the release of the vehicle.

3.Considering the above stated facts and circumstances and also considering the fact that the vehicle in question is being kept without any use by exposing it to the sun and rain, which 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 deposit a sum of Rs.25,820/- with the second respondent within a period of four weeks from the date of receipt of a copy of this order;

(ii) On deposit of the said amount, the respondents are directed to release the vehicle on the following conditions:

(a) The petitioner shall produce necessary documents before the second respondent to prove his ownership of the vehicle in question;

(b) The petitioner shall execute an undertaking affidavit that he will not alienate the vehicle till the completion of the proceedings, if any, initiated against him.

(iii) The respondent is at liberty to initiate proceedings against the petitioner, if the petitioner has violated any of the provisions of the Acts or Rules. But the proceedings has to be taken within a period of three months from the date of receipt of a copy of this order. If no proceeding is initiated against the petitioner within the said period, the amount deposited by him shall be returned to him.

(iv) The petitioner shall abide by the orders passed by the authority concerned or the respondents.

4. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector,  
Sivakasi, Virudhunagar District.
2. The Revenue Divisional Officer,  
Sivakasi, Virudhunagar District.
3. The Inspector of Police,  
Sattur Taluk Police Station,  
Sattur, Virudhunagar District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 25619

+ 1 CC TO M/S.P.KALAIYARASI BHARATHI, ADVOCATE IN SR NO. 25356