

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37632 of 2016

ORDER:

The petitioner filed this Writ Petition by invoking the provisions under Article 226 of the Constitution of India, seeking to declare the seizure of the petitioner's Car, as illegal and arbitrary, and consequently, direct the respondents 2 & 3 to release the petitioner's Car.

Heard and perused the material available on record.

Petitioner's vehicle i.e. Indica Car bearing No.TS 04 EB 2755 was seized by the 2nd respondent on the ground that it was used as patrolling vehicle for sand transporting lorries, which are transporting the sand illegally.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner submitted a representation to the 2nd respondent on 19.10.2016 with a request to release the vehicle by collecting the penalty, but the 2nd respondent is not considering the same.

Learned Government Pleader for Home objects for the same, since the vehicle is involved in a crime.

Considering these circumstances, the respondents 2 and 3 are directed to release the vehicle i.e. Indica Car bearing No.TS 04 EB 2755, for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner executing a personal bond for

Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate and shall not change the physical features of the vehicle till the disposal of the criminal case and further the petitioner shall undertake to produce the vehicle as and when required by the authorities. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions pending if any, shall stand closed.

November 03, 2016.
KTL



RAJA ELANGO, J