

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.02.2017

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.4322 of 2017

N.Hariprasath

... Petitioner

vs.

The Sub Collector,
Cheyyar,
Thiruvannamalai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondent to release the Tipper Lorry bearing Registration No.TN-22-K-9904 seized by the Deputy Superintendent of Police, Cheyyar, Thiruvannamalai District on 16.02.2017 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.Akhil Akbar Ali
Government Advocate

ORDER

The petitioner has filed the present writ petition for a Mandamus to direct the respondent to release the Tipper Lorry bearing Registration No. TN-22-K-9904 seized by the Deputy Superintendent of Police, Cheyyar, Thiruvannamalai District on 16.02.2017 to him.

2. It is the case of the petitioner that he is the owner of the Tipper Lorry bearing Registration No.TN-22-K-9904 and the same is being used for hire and the same was entrusted to his driver with strict instructions to use the said vehicle for lawful purpose. While so, on 16.02.2017, when the said Tipper Lorry came with empty at Madipakkam - Aakkur Cross Road for loading the goods along with valid documents, the same was seized by the Deputy Superintendent of Police, Cheyyar, Thiruvannamalai District. On coming to know about the same, the petitioner approached the respondent and made a representation dated 17.02.2017 requesting to release his lorry. However, till date, no order has been passed by the respondent. Therefore, he has filed the present writ petition for the above stated relief.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

4. According to the learned counsel for the petitioner, the vehicle is kept in open weather, by which, the same is getting damaged.

5. In view of the same, this Court directs the respondent to release the Tipper Lorry bearing Registration No. TN-22-K-9904, however, subject to the following conditions :-

"(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash before the respondent.

(ii) The petitioner shall produce the documents relating to the ownership of the vehicle.

(iii) The petitioner shall file undertakings that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv) On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within two days.

(v) The respondent is directed to pass final orders in the adjudication proceedings, within a period of four months.

(vi) This order for release of the vehicle can be availed of by the petitioner if no criminal case is pending against the alleged delinquency. If any criminal case is pending, it is open to the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law."

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vga

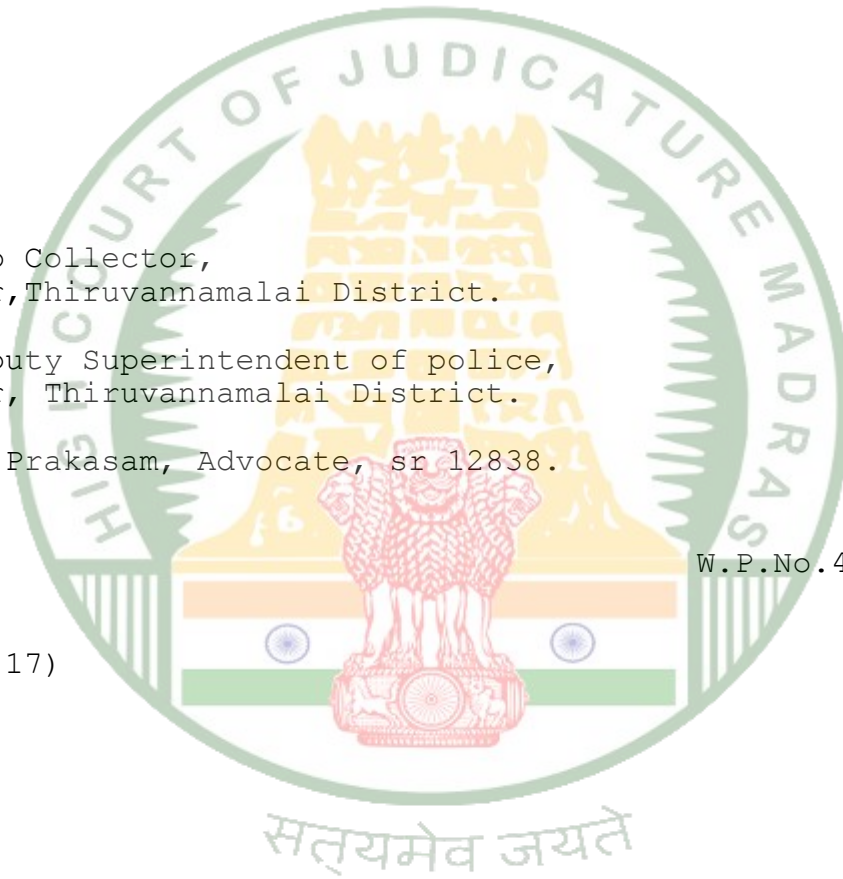
To

1. The Sub Collector,
Cheyyar, Thiruvannamalai District.
2. The Deputy Superintendent of police,
Cheyyar, Thiruvannamalai District.

+1cc to C.Prakasam, Advocate, sr 12838.

W.P.No.4322 of 2017

ss (co)
rmp (01.03.17)



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