

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Writ Petition No.12410 of 2017

P.Sukumar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kancheepuram,
Kancheepuram District.

2.The Sub Inspector of Police,
Sriperumputhur Police Station,
Kancheepuram District,
Crime No.57 of 2017

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to release the Vehicle (Lorry) bearing Reg.No.TN-73-W-2413 pursuant to the representation dated 08.05.2017.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

Mr. M.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus, directing the first respondent to release a Lorry bearing Registration No.TN-73-W-2413, seized by the first respondent on 27.01.2017.

3. It is stated that the above said vehicle was seized by the first respondent on 27.01.2017, on the allegation that the said vehicle was indulged in transporting sand in violation of certain provisions under Sections 379 and 430 of IPC.

According to the petitioner, he has engaged a driver to operate the vehicle and he has given strict instruction to the driver that the vehicle has to be used for only lawful purposes and shall not be misused. It is further stated that the above referred vehicle was taken out by the driver and he did not return the vehicle back and on search the petitioner came to know that the vehicle involved in the said offence.

4. In the said circumstances, the petitioner made a representation dated 08.05.2017 and the same was received by the first respondent, even then the first respondent did not consider the same. Needless to say that it is for the authority to consider such claim of the petitioner and pass appropriate orders and therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner. However, considering the fact that the vehicle was seized as early as on 27.01.2017 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is of the view that the following order will protect the interest of both parties:

(a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand), before the first respondent within a period of two weeks from the date of receipt of a copy of this order.

(b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority in proof of such ownership.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the respondents shall release the same forthwith.

(d) The petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(e) It is open to the first respondent to initiate proceedings in accordance with law and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Kancheepuram,
Kancheepuram District.

2. The Sub Inspector of Police,
Sriperumputhur Police Station,
Kancheepuram District.

+1cc to Mr.T.Muruganantham, Advocate Sr.37165

W.P. No.12410 of 2017

mg[co]
srg 24/05/2017

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