

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 27582 of 2016
and WMP No.23762 of 2016

M. Dharani

.. Petitioner

Vs.

1 The District Collector,
Vellore,
Vellore District.

2 The Superintendent of Police
Vellore,
Vellore District.

3 The District Forest Officer,
Vellore,
Vellore District.

4 The Inspector of Police
Taluk Police Station,
Vellore,
Vellore District.

5 Kalaiarasan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the 3rd respondent their men and subordinates from conducting public auction the Honda City Car bearing registration No TN 07 BC 2677 with engine No.L15A70010991 and Chassis No.MAKGM252A9N008052 without following the due process of law.

For Petitioner : Mr.M.Sathish kumar

For RR 1, 2 & 4 : Mr.Santhana Raman

Additional Government Pleader

For 3rd Respondent: Mr.N.Inbanathan

Government Advocate(F)

For 5th Respondent: No appearance

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, forbearing the 3rd respondent their men and subordinates from conducting public auction the Honda City Car bearing registration No TN 07 BC 2677 with engine No.L15A70010991 and Chassis No.MAKGM252A9N008052 without following the due process of law.

2. Heard Mr.M.Sathish kumar, learned counsel appearing for the petitioner and Mr.Santhana Raman, learned Additional Government Pleader appearing on behalf of the respondents 1, 2 & 4 and Mr.N.Inbanathan, Government Advocate appearing on behalf of the 3rd respondent.

3. The learned counsel appearing for the petitioner submits that the petitioner purchased the "Honda City" car bearing Registration No.TN 07 BC 2677 with engine number L15A70010991 and Chasis No.MAKGM252A9N008052 through credit facility of Rs.2,50,000/- from Seyad Shariat Finance Ltd., and the same has to be repaid with 13.36% interest with 24 month instalments of Rs.13,200/- and the aforesaid car is being insured with Reliance General Insurance. The learned counsel submits that the petitioner's marriage was held on 15.09.2014, as per customary practice prevails in the petitioner community, the petitioner went to Thirupathi to offer his prayers. Hence, the petitioner entrusted the custody of the car to his friend, who is the 5th respondent to take care of it until his return from Thirupathi. The learned counsel would further submits that the 5th respondent got arrested by the 3rd respondent for the offence under Sections 294(b), 332, 385, 392, 397 and 506(2) and 120(B) of IPC and 25 (1) (A) of Indian Arms Act, 1959 and 5(b) and 36 of Tamil Nadu Forest Act, 1987 in Crime No.389 of 2014 arraying him as A-5 and the petitioner car was seized by the 3rd respondent. Hence, the petitioner has filed the present writ petition for the aforesaid prayer.

4. The Learned Additional Government Pleader would submit that the 4th respondent has filed the counter affidavit, particularly drew the attention of this Court in para 9 of the said counter affidavit, stating that the 4th respondent while submitting the report and handing over the vehicle had quoted the vehicle number as TN 07 C 2677 instead of TN 07 BC 2677, on the basis of the said report, hence the 3rd respondent has initiated proceedings under Tamil Nadu Forest Act, and notice has been issued to the

vehicle owner. Subsequently, the said mistake has been founded, pursuant to the filing of the writ petition. The respondent has verified and came to know that the aforesaid mistake was found out by the 3rd respondent. Therefore, the 3rd respondent has initiated the proceedings against the petitioner, who is the owner of the vehicle seized is Honda City Car bearing registration number TN 07 BC 2677 with engine No.L15A70010991 and chassis No.MAKGM252A9N008052 and the said vehicle is in possession of the 3rd respondent.

5. Considering the facts and circumstances of the case, in view of the above reasons stated in the counter affidavit, the Writ Petition is dismissed with liberty is granted to the 3rd respondent to proceed and initiate the proceedings in accordance with law by considering the petitioner's grievance and pass orders within a period of 4 months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

JV

To

- 1 The District Collector,
Vellore,
Vellore District.
- 2 The Superintendent of Police
Vellore,
Vellore District.
- 3 The District Forest Officer,
Vellore,
Vellore District.
- 4 The Inspector of Police
Taluk Police Station,
Vellore,
Vellore District.

+1cc to Mr.M.Sathishkumar,Advocate sr.14371

+1cc to Special Government Pleader(forest),High
court,madras sr.14458

W.P. No. 27582 of 2016

vgII(co)
ss(5/4/2017)