



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2017

CORAM:

THE HONOURABLE **MR. JUSTICE K. RAVICHANDRABAABU**
W.P. (MD) No.101 of 2017

WEB COPY

Basheer

... Petitioner

Vs.

1. The District Revenue Officer,
Nagercoil,
Kanyakumari District.

2. The Special Tahsildar,
Flying Squad,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to release the Lorry bearing Reg.No.KL-02-H-6978 seized by the second respondent, on 19.12.2016, to the petitioner.

For Petitioner	: Mr.T.Lenin Kumar
For Respondents	: Mr.T.S.Mohammed Mohideen Additional Govt. Pleader

O R D E R

The petitioner seeks for a writ of Mandamus directing the first respondent to release his Lorry bearing Reg.No.KL-02-H-6978, seized by the second respondent, on 19.12.2016.

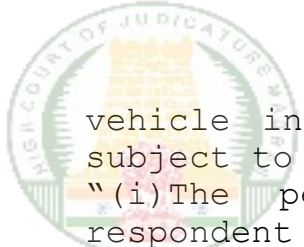
2. According to the petitioner, even though the petitioner has plied the said vehicle with all relevant documents, the second respondent seized the same.

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle was seized for illegal transportation of the essential commodities.

4. In any event, as the vehicle is under the custody of the 1st respondent having been seized on 19.12.2016 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the 1st respondent, this Court is of the view that the vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Accordingly, the 1st respondent is directed to release the



vehicle in question to the petitioner within a period of 7 days subject to the following conditions:

- "(i)The petitioner shall produce documents before the first respondent to establish the ownership of the vehicle in question;
(ii)The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) with the 1st respondent;
(iii)The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the 1st respondent;
(iv)On doing so, the vehicle in question shall be returned to the petitioner; and
(v)The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned."

6. This Writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Nagercoil,
Kanyakumari District.
2. The Special Tahsildar,
Flying Squad,
Nagercoil,
Kanyakumari District.

+1 cc to Mr. T.LENIN KUMAR, Advocate, Sr.No:1163
+1cc to M/S Special Government Pleader, Sr No.1358

akv

MAS/PM-JN:30.01.2017:2P/5C

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