



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.12426 of 2017

Aneesh

... Petitioner

-Vs-

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to release the Qualis Car bearing registration No.KL-10-AE-4498 seized by the second respondent on 16.05.2017, to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.C.Selvaraj

Special Government Pleader

ORDER

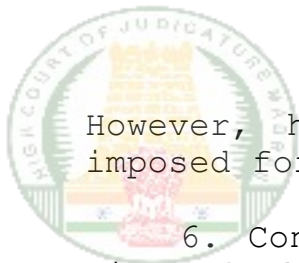
This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to release the Qualis Car bearing registration No.KL-10-AE-4498, seized by the second respondent on 16.05.2017, to the petitioner.

2. Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up for final disposal.

4. The learned counsel appearing for the petitioner would bring to the notice of this Court through the typed set of papers that in similar circumstances, this Court considered the issue involved in this Writ Petition in W.P.(MD).No.5675 of 2014 and ordered to release the vehicle. Subsequently, the same issue was considered in W.P.(MD).No.7614 of 2014 dated 29.04.2014 and the vehicle therein was released with certain conditions.

5. The learned Special Government Pleader has not refuted the said submission of the learned counsel appearing for the petitioner.



However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.

6. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and the rain, it would certainly lose its value, the first respondent is directed to release the vehicle in question, to the petitioner on the following conditions:-

"(i) The petitioner shall produce necessary documents before the first respondent to establish to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the first respondent;

(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he will not indulge in such activities in future ;

(iv) The vehicle shall be produced to the respondents as and when required.

After fulfilling all the four conditions, the first respondent shall release the vehicle in question, to the petitioner with a specific condition that he shall not alienate or encumber the vehicle in question till the dispose of the proceedings before the authorities concerned. It is also made clear that it is open to the authorities to take appropriate action against the petitioner, in case, he violates any one of the conditions stipulated in this order.

7. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

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

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

+ 1 CC TO Mr.T.LENIN KUMAR, ADVOCATE IN SR No. 63561

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 64014

KM/MSA

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

TE/JC/SAR-III : 17/07/2017 : 2P/5C

W.P (MD) No.12426 of 2017

05.07.2017