



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2017

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THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P.(MD)No.12966 of 2017

V.Ramaraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Kuzhithurai at Nagercoil,
Kanyakumari District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to release the lorry bearing Registration No. TN-37-Z-7599 seized by the second respondent on 10.05.2017 to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the first respondent to release the petitioner's vehicle namely lorry bearing Registration No. TN-37-Z-7599 seized by the second respondent on 10.05.2017.

2. Mr.S.Kumar, learned Additional 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 also, the same issue was considered in W.P.(MD)No.7614 of 2014 dated 29.04.2014 and vehicle therein was released with certain conditions.

5. The learned Additional 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 sun and 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 and to prove his ownership of the vehicle in question;

(ii)The petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) with 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."

7. 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 disposal 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.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Revenue Officer,
Kampti Taluk, District,
Nagercoil.



2.The Inspector of Police,
Civil Supplies Crime Investigation Department,
Kuzhithurai at Nagercoil,
Kanyakumari District.

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+1cc to Special Government Pleader, SR.No. 65672
+1cc to M/S.T.Lenin Kumar, Advocate SR.No. 65160

W.P. (MD) No.12966 of 2017
13.07.2017

GK/SMN
JM/JC/SAR 1/26.07.2017/3P/5C