



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 13658 of 2017

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V.Sivalingam

... Petitioner

-Vs-

1.The Superintendent of Police,
Kanyakumari District @ Nagercoil,

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

3.The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

4.Jebastian Gracious.
Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to release the petitioner's Motor Cycle (Bullet) bearing Registration No. TN 72 BY 8383 which was illegally detained by the 3rd respondent herein on 10.07.2017 from the petitioner and parked under the control of the 2nd respondent Police Station.

For Petitioner : Mr.B.Brijeshkishore
For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader.

O R D E R

1.This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to release the petitioner's motor cycle bearing registration No.TN72 BY 8383, which is illegally detained by the third respondent on 10.07.2017 from the petitioner and kept in control of the second respondent.

2.It is submitted that for traffic offences, the respondent police has no right to seize or detain a vehicle. Such seizure and detention of vehicle is also unauthorised and illegal, as held by the the Hon'ble Supreme Court, in the case of, **State of Maharashtra and others Vs. Nanded-Parbhani Z.A.B.M.V, Operator Sangh, reported in 2000(I), CTC 502.**



3. Based on the submission of the learned Counsel for the petitioner, this Court has adjourned this matter on earlier occasions so as to enable the learned Special Government Pleader to get instructions from the respondent police.

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4. The learned Special Government Pleader, on instructions, submitted that the vehicle which was detained from the petitioner has now been released and writ petition may be closed.

5. Recording the above submission of the learned Special Government Pleader, the writ petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (C.S.)

To

1. The Superintendent of Police,
Kanyakumari District @ Nagercoil,

2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

3. The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

+1cc to M/S.B.BRIJESH KISHORE, Advocate SR.No.68589

dsk/sss

MAS/KP/SAR2:07.08.2017:2P-5C

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