



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.02.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.1615 of 2017

and

W.M.P(MD)No.1323 of 2017

Mr.R.Anand

..Petitioner

Vs

1. The Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.

2. The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus for a direction, directing the Respondents to release the Petitioner's Light Goods Mahindra Vehicle bearing Registration No.TN-33 AS-5211 within the time period stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The petitioner seeks for a Writ of Mandamus, directing the respondents to release the Petitioner's Light Goods Mahindra Vehicle bearing Registration No.TN-33 AS-5211, which was seized by the first respondent and handed over to the custody of the second respondent.

2.The contention of the petitioner is that the vehicle has not involved in any offence and however, the respondents have taken into custody of the vehicle without any valid reasons.

3.On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle got involved in illicit transport of M.sand. It is his further



contention that the vehicle is with the custody of the Revenue Divisional Officer, Nagercoil and proceedings are pending before the said authority against the petitioner.

4. Considering the above said facts and circumstances of the case and also considering the fact that the vehicle was seized on 23.01.2017 and the same is under the custody of the officials by exposing the same to sun and rain, thereby diminishing its value, this Court is of the view that the vehicle can be released by imposing conditions on the petitioner for release of the said vehicle.

5. Accordingly, the second respondent is directed to repossess the vehicle from the Revenue Divisional Officer, Nagercoil and 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 second respondent to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) with the second 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 2nd 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

vs

To

1. The Deputy Superintendent of Police,
Kanyakumari,

Kanyakumari District.



2. The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

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+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No. 5879

+1cc to Spl.Government Pleader Sr.No. 5982

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