



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2017

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

WEB COPY

W.P. (MD) No.17591 of 2017

Krishnasamy

... Petitioner

-vs-

1. The Superintendent of Police,
District Police Office,
Tuticorin.
2. Additional Superintendent of Police,
Prohibition, Tuticorin.
3. Inspector of Police,
Kayathar Police Station,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the vehicle TN-AV-100 Toyota Ediyos.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.S.Kumar

Addl. Govt. Pleader

O R D E R

The petitioner seeks for a Writ of Mandamus directing the respondents to release the vehicle TN-AV-100 Toyota Ediyos.

2. It is submitted by the petitioner that the vehicle in question was seized by the third respondent on the ground of possession of liquor bottles, which, according to the petitioner, were purchased for his own use and not for any sale. Despite giving such explanation to the third respondent, the vehicle was seized

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that during vehicle check up, the third respondent recovered liquor bottles from the petitioner's vehicle, which is more than the permitted quantity.

4. In any event, as the vehicle is under the custody of the third respondent, having been seized on 09.09.2017 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, 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 third 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 third 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) before the third 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 respondents;

(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 pending either before the authority concerned or before the Court of Law."

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

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Police Office,
Tuticorin.

2. The Additional Superintendent of Police,
Prohibition, Tuticorin.

3. The Inspector of Police,
Kayathar Police Station,
Tuticorin District.

+1cc to Mr.V.KARTHIKEYAN, Advocate, SR.79491

+1cc to M/S.Special Government Pleader, SR. 79844

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