



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.22679 of 2017

Swamy Dhas

... Petitioner

Vs.

The District Revenue Officer,
Nagercoil, Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Maruti Alto Car bearing registration No.TN-37-BR-9273 by considering the application of the petitioner bearing No.F1/42209/2017 dated 21.11.2017 within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner	: Mr.S.C.Herold Singh
For Respondent	: Mr.M.Alagathevan
	Special Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal, at the stage of admission itself.

2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondent.

3. The case of the petitioner is that his Maruti Alto Car, bearing registration No.TN-37-BR-9273, was stolen by some third parties, under the guise of purchasers and after some rounds of litigation, he came to know the fact that his Car was seized by the Civil Supply Flying Squad for carrying 500 kg of PDS rice. Aggrieved over the same, the petitioner has submitted an application to the respondent in No.F1/42209/2017, dated 21.11.2017, requesting him to release the vehicle and as the same is kept pending, he is before this Court, seeking a direction to release his vehicle.

4. On the other hand, the learned Special Government Pleader stoutly refuted the contentions of the learned Counsel for the petitioner. He fairly submitted that the vehicle of the petitioner may be released, but stringent conditions may be imposed for stopping such occurrence, in future.



5. 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 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 respondent to establish and to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only), with the 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) 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.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To
The District Revenue Officer,
Nagercoil, Kanyakumari District.

+1CC to Mr.S.C.Herold Singh, Advocate, SR.No. 92198
+1CC to the Special Government Pleader SR.No.92471

ORDER MADE IN
W.P (MD) No.22679 of 2017
12.12.2017

gk
AM/SV MMS/SAR 2/13.12.2017/2P/4C