



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition(MD)No.6470 of 2017

T.Rajan

... Petitioner

Vs.

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

2. The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to release the lorry bearing Reg.No.TN-74-6179 seized by the second respondent on 01.04.2017 to the petitioner.

For Petitioner
For Respondents

: Mr.T.Lenin Kumar
: Mr.D.Muruganandham
Addl. Government Pleader

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to release the lorry bearing Reg.No.TN-74-6179 seized by the second respondent on 01.04.2017 to the petitioner.

2. According to the petitioner, he is the owner of the abovesaid vehicle bearing Regn.No.TN-74-6179 and on 01.04.2017, the second respondent seized the vehicle and kept it in his custody. Immediately, on 03.04.2017, the petitioner made a detailed representation to the first respondent seeking to release the vehicle, but so far the first respondent is not releasing the vehicle and keeping it in his custody.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned Additional Government Pleader on instructions submitted that the above said vehicle was used to



transport 200 litres of white colour kerosene without any valid permit. Hence, the second respondent has seized the same and kept it in his custody.

4. In similar circumstances, this Court has passed an order in W.P(MD)No.12365 of 2016, dated 14.07.2016, releasing the lorry with some conditions.

5. In view of the above, this Writ Petition is also disposed of with the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in cash before the first respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Regn.No.TN-74-6179 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) The first respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;

(f) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(g) Inasmuch as the Vehicle bearing Registration No.TN-74-6179 is seized by the second respondent on 01.04.2017, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

The present writ petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar(RTI)



To

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

2. The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

+One cc to Mr.T.Leninkumar, advocate, SR.No.54019

+One cc to The Special Government Pleader, SR.No.54676

akv

RL/5C/3P/JC/SAR3/21/6/2017

W.P. (MD) No. 6470 of 2017

25.04.2017