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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2017

CORAM:

THE HON'BLE Mrs. JUSTICE J.NISHA BANU

W.P. (MD) No. 6650 of 2017

Mariappan

... Petitioner

Vs.

1.The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam,
Thanjavur District.

2.The Inspector of Police,
Thiruvidaimarudur Police Station,
Thanjavur District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents herein to release the petitioner TATA ACE Vehicle bearing Registration No.TN 68 F 0492.

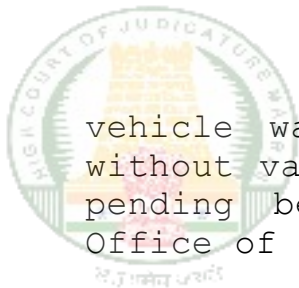
For Petitioner	: Mr.B.Jameel Arasu
For Respondents	: Mr.R.Anandaraj, Government Advocate

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to release the Petitioner's vehicle namely TATA ACE Vehicle bearing Registration No.TN-68-F-0492.

2.The petitioner averred among the other things that he is the owner of the TATA ACE Vehicle bearing Registration No.TN-68-F-0492. He used to eke out his livelihood by hiring the said vehicle to the needy customers and as such, he hired the vehicle for carrying banana fruits in bulk. While so, on 30.03.2017, when the petitioner's vehicle was parked on the road side for cleaning purposes two police personnel attached to the second respondent Police intercepted the vehicle and seized the same without assigning any reason. After the seizure of the vehicle, the said vehicle is under the custody of the respondents. The grievance of the petitioner is that if the said vehicle is kept idle exposing to hot sun and rain, the same will be deteriorated. Hence, he has come up with this writ petition seeking aforesaid prayer.

<https://hcservices.ecourts.gov.in/hcservices/> other hand, it is contended by the learned Government Advocate appearing for the respondents that the



vehicle was seized, since the same has been transporting sand without valid permit. He further submitted that now the matter is pending before the first respondent viz., the Sub Collector, Office of the Sub Collectorate, Kumbakonam, Thanjavur District.

4. According to the petitioner, he has hired his vehicle for transporting banana fruits in bulk with valid permit and he has produced the copy of R.C. book in the typed set of papers.

5. In view of the above and also considering the fact that the Petitioner's vehicle was seized on 30.03.2017 and now it is being exposed to sun and rain, thereby allowing the same to diminish its value, this Court is of the view that the same can be returned to the Petitioner, however, subject to certain conditions which will safe-guard the interest of both the parties.

6. Accordingly, this Writ Petition is disposed of with the following directions.

"(i) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) before the first respondent;

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

(iii) The petitioner is directed 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;

(iv) On compliance of the above conditions, the first respondent is directed to release the seized vehicle bearing Registration No. TN-68-F-0492 to the petitioner.

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

(vi) 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 the 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

(vii) Inasmuch as the vehicle bearing Registration No. TN-68-F-0492 is seized by the second respondent on 30.03.2017, the aforesaid order is to be complied with within a period of one week, if no order



of adjudication is passed as on today.
No costs.

Sd/-
Assistant Registrar (CO)

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/True copy/

Sub Assistant Registrar

To

- 1.The Sub Collector,
Office of the Sub Collectorate,
Kumbakonam,
Thanjavur District.
- 2.The Inspector of Police,
Thiruvidaimarudur Police Station,
Thanjavur District.

+1cc to Mr.B.JameelArasu,Advocate,Sr.52848

W.P. (MD) No. 6650 of 2017
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CM
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