



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.01.2017

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.715 of 2017

ASP.Anslem

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Sub - Collector,
Cheranmahadevi Division,
Tirunelveli District.

3.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.

4.The Deputy Director,
Flying Squad(Madurai Division),
Office of Deputy Director,
Mines and Minerals Department,
Madurai.

... Respondents

(4th respondent is suo-motu impleaded as party respondent by MSRJ vide order, dated 12.01.2017 in W.P(MD)No.715 of 2017)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by directing the 2nd respondent to release the petitioner's vehicle namely Mini Lorry bearing it's registration No. TN 74 V 7690 forthwith.

For Petitioner : Mr. R.Anand
For R1 to R4 : Mr. A.Muthukarupan
(Additional Government Pleader)

O R D E R

Mr.A.Muthukaruppan, learned Additional Government Pleader
<https://hcservices.ecourts.gov.in/hcservices/> takes notice for the respondents.



2. By consent of parties, the main Writ Petition itself is taken up for final disposal.

3. The learned Additional Government pleader on instructions submitted that the Deputy Director, Flying Squad(Madurai Division), Mines and Minerals Department, Madurai, had intercepted the petitioner's vehicle and seized the same and that the proceedings are now pending before the said Authority. Since the said authority is not made as a party to this Writ Petition, direction sought for by the petitioner, cannot be granted.

4. In view of the same, said Authority is suo-motu impleaded as party respondent to this Writ Petition.

5. The learned counsel for the petitioner would submit that the petitioner would co-operate with the proceedings initiated by the newly impleaded fourth respondent and that in case the vehicle is detained for considerable time, it would deteriorate the value of the vehicle and cause heavy loss to him.

6. This Court in similar circumstances in W.P(MD)No.12365 of 2016, dated 14.07.2016 and in W.P(MD)No.22690 of 2016, dated 25.11.2016, had disposed of that Writ Petitions, imposing conditions for the release of the vehicle.

7. Following the earlier orders passed by this Court, there shall be a direction to the respondents to release the afore said vehicle of the petitioner on the following conditions:

(a) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in cash before the fourth 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 Registration No.TN 74 V 7690 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 fourth respondent is directed to pass final orders in the adjudication proceedings within a period of 45 days;

<https://hcservices.ecourts.gov.in/> 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 V 7690 is seized by the fourth Respondent, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.

Accordingly, the Writ Petition stands allowed . No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District.
- 2.The Sub - Collector,
Cheranmahadevi Division,
Tirunelveli District.
- 3.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.
- 4.The Deputy Director,
Flying Squad(Madurai Division),
Office of Deputy Director,
Mines and Minerals Department,
Madurai.

+1 cc to MR.R.ANAND, Advocate SR.No.2835
+1 cc to Special Government Pleader SR.No.2283

W.P. (MD) No.715 of 2017
12.01.2017

SMA/RR-ME/SAR-2/20.01.2017:3P/7C