

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18389 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents in seizing the vehicle bearing Chassis No.16SEY008307421 of the petitioner without following any procedure under statutes as illegal and arbitrary and consequently, direct the respondents to release the vehicle from their custody.

2. Heard and perused the material available on record.
3. The petitioner herein is the owner of the aforementioned vehicle and running the same after obtaining permission from the transport authorities. While so, on 28.05.2017, respondent No.2 seized the said vehicle alleging that the same is used for transportation of sand illegally.
4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.
5. Learned Government Pleader for Home objected for the same since the vehicle is involved in a crime.

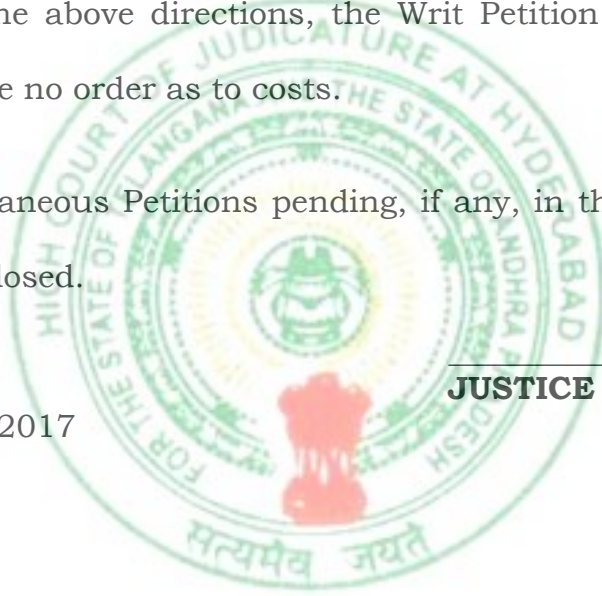
6. Considering these circumstances, it is directed that the vehicle bearing Chassis No.16SEY008307421 shall be released for interim custody of the petitioner on his furnishing bank guarantee for an amount of Rs.5,00,000/- (Rupees five lakhs only) to the satisfaction of respondent No.2 and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle and shall not change the physical features of the same. Further, the petitioner shall undertake to produce the vehicle as and when required by the Court.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 08.06.2017
AMD

JUSTICE RAJA ELANGO



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