

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.16160 of 2017

ORDER:

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition is filed seeking issuance of writ of Mandamus declaring the action of respondent Nos.4 and 5 in not returning back the vehicle Honda Make Motorcycle bearing No.MH 06 AT 5831 to the petitioner, as illegal and arbitrary.

3. The facts in issue are as under:

The petitioner claims to be the owner of the above vehicle. It is stated that the SI of police detained the vehicle inspite of showing the documents and issued final notice dated 16.06.2016 vide dispatch No.56/ MCK/ 2016 asking the petitioner to come over to Goshamahal to get back the vehicle. Accordingly, when the petitioner proceeded to the vehicle yard at Goshamahal Office, he was directed to pay a challan at Central Crime Station wherein the authorities asked him to go to Court to pay challan as a case is registered under Section 190/ 177 of M.V.Act and Section 39 of CP Act. But, the petitioner did not find any such case when he approached the Court. It is the case of the petitioner that inspite of producing original documents in respect of the vehicle, respondent No.5 issued final notice. Now, respondent No.4 is trying to auction the vehicle. Hence, the present writ petition came to be filed.

4. Learned Government Pleader, on instructions, states that as the vehicle was detained as it was moving under suspicious circumstances, without having number plate and as it belonged to other State. It is said that though several reminders and SMS were given to the owner of the vehicle, he did not come forward to take back the vehicle. He further submits that the enquiries made revealed that the subject vehicle belongs to the petitioner herein. Hence, a final notice was issued to the petitioner asking him to produce the original documents and aadhar card within three days from the date of receipt of the said notice, failing which the vehicle would be auctioned openly.

5. Learned Government Pleader for Home would also submit that if the petitioner approaches the respondent – Police with necessary documents, they will take steps in accordance with law in releasing the vehicle in favour of the petitioner.

6. Having regard to the above, the writ petition is disposed of directing the petitioner to approach respondent No.4 seeking release of his vehicle with necessary documents, in which event the same shall be considered, in accordance with law forthwith. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.06.2017
vhb