

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.08.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.21166 of 2018

K.Ravi

.. Petitioner

Vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Madurantakam,
Kancheepuram District.

3.The Tahsildar,
Madurantakam Taluk,
Madurantakam,
Kancheepuram District.

4.The Inspector of Police,
Madurantakam Police Station,
Madurantakam,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to release the petitioner's lorry bearing Registration No.TN25 AQ 2779 (Ashok Leyland 2015 Model, Chassis No.MB1A3CFD2FEGT8684 and Engine No.FSEZ429080) to the petitioner within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition for a mandamus directing the respondents to release his Lorry bearing Registration No.TN25 AQ 2779 (Ashok Leyland 2015 Model, Chassis No.MB1A3CFD2FEGT8684 and Engine No.FSEZ429080), which was seized by the respondents 3 and 4.

2.According to the petitioner, he is the owner of the vehicle in question, which is used for transporting the goods on

hire basis. While so, his vehicle was seized by the respondents 3 and 4 on 26.06.2018 on the allegation that it was indulged in illegal transport of firewood. On coming to know about the same, he approached the second respondent with a request to release the vehicle in question, whereas, the second respondent directed the petitioner to pay a sum of Rs.9,600/- towards the value of the goods illegally transported. Aggrieved over the same, the petitioner is before this Court.

3. However, today, when the matter is taken up for consideration, the learned Special Government Pleader appearing for the respondents produced a copy of the proceedings bearing No.Na.Ka.15236/2018/U2 dated 27.08.2018, issued by the first respondent, wherein, based on the report of the second respondent, the third respondent was directed to release the vehicle, on payment of Rs.9,600/- by the petitioner.

4. In reply, the learned counsel for the petitioner, on instructions, submitted that the petitioner is ready and willing to pay Rs.9,600/- as demanded by the respondents, for the release of the vehicle in question.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is inclined to direct the respondents to release the vehicle in question, subject to certain conditions.

6. Accordingly, the writ petition is disposed of, directing the respondents to release the vehicle bearing Regn.No.TN25 AQ 2779 (Ashok Leyland 2015 Model, Chassis No.MB1A3CFD2FEGT8684 and Engine No.FSEZ429080) on complying with the following conditions by the petitioner:

(a) The petitioner shall pay a sum of Rs.9,600/- (Rupees Nine Thousand Six Hundred only) before the respondent concerned. On such payment, the vehicle shall be released to the petitioner, subject to satisfaction of the documents produced by him with regard to the ownership of the vehicle.

(b) The petitioner shall not use the said vehicle for any unlawful purpose and also shall not alienate the same during the pendency of the proceedings.

(c) This order for release of the vehicle can be availed of by the petitioner, if the vehicle is not in the custody of criminal Court. If the vehicle is in the custody of the criminal Court, it is open to

the petitioner to approach the jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.
No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Madurantakam,
Kancheepuram District.
- 3.The Tahsildar,
Madurantakam Taluk,
Madurantakam,
Kancheepuram District.
- 4.The Inspector of Police,
Madurantakam Police Station,
Madurantakam,
Kancheepuram District.

+1cc to Mr.P.Mani, Advocate SR.No.58970

+1cc to Government Pleader SR.No.

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KS (CO)
SMI/30.08.2018

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