

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.21897 of 2018

G.Raja

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Porumbur Police Station,
Nagapattinam District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents herein to release the Tipper Lorry bearing registration No.TN-31-L-2997, seized by the first respondent on 24.03.2018 and under the custody of the second respondent police station to the petitioner forthwith.

For Petitioner : Mr.D.S.Thirumavalavan

For Respondents : Mrs.P.Rajalakshmi,
Additional 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.TN-31-L-2997, which was seized on 24.3.2018 by the first respondent to him.

2.According to the petitioner, his vehicle was seized by the first respondent on 24.3.2018 on the allegation that it was indulged in transporting sand. On coming to know about the same, he approached the respondents to release the same. However, the said request was not adhered to. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that in identical case, this Court, vide order dated 02.11.2017 in W.P. No.27096 of 2017, disposed of the writ petition, directing the respondent therein to release the vehicle with certain conditions. Therefore, the learned counsel prayed that following the aforesaid order, the vehicle in question may be released.

4.Needless to state that it is for the authority to consider such claim of the petitioner and pass appropriate orders and therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner. However, considering the fact that the vehicle was seized as early as on 24.3.2018 and the same is kept idle thereby exposing it to sun and rain, which undoubtedly would diminish its value, this Court is inclined to release the vehicle in question, subject to certain conditions.

5.Accordingly, the writ petition is disposed of, with a direction to the respondents to release the vehicle, bearing Registration No.TN-31-L-2997, on complying with the following conditions by the petitioner:

(a) The petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) before the first respondent within a period of two weeks from the date of receipt of a copy of this order.

(b) The petitioner shall appear in person and produce all the relevant documents proving the ownership of the vehicle for verification of the authority.

(c) On receipt of payment as stated supra and also on being satisfied with the ownership of the vehicle, the respondents shall release the same forthwith.

(d) 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.

(e) It is open to the first respondent to initiate proceedings in accordance with law and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. The petitioner should also co-operative with the said proceedings initiated by the respondents without dragging the matter.

(f) If no such order is passed within the time stipulated therein, the amount so paid by the petitioner shall be refunded to the petitioner.

(g) 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

vga
To

1.The Revenue Divisional Officer,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Porumbur Police Station,
Nagapattinam District.

+1cc to Mr.D.S.Thirumavalavan, Advocate Sr.58750

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srg 29/08/2018

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